

# CITY COUNCIL PROCEEDINGS

JOURNAL 191

MAY 13, 2008

PAGE 471

## MINUTES OF THE MEETING OF THE CITY COUNCIL

Wichita, Kansas, May 13, 2008  
Tuesday, 9:07 A.M.

The City Council met in regular session with Mayor Brewer in the Chair. Council Members Fearey, Gray, Longwell, Schlapp, Skelton, and Williams present.

Ed Flentje, Interim City Manager; Gary Rebenstorf, Director of Law; Karen Sublett, City Clerk; present.

The pledge of allegiance was participated in by the Council Members, Staff and guests.

Rev. Johnny Washington from Forever Crowned Ministries Church gave the invocation.

The Minutes of the regular meeting of May 6, 2008, approved 7 to 0.

### AWARDS AND PROCLAMATIONS

--Proclamations

#### Proclamations:

Mayor Brewer read aloud the following proclamations:

Autism Awareness Month  
National Music Week  
Americorps Week  
Arson Awareness Month  
Sidney Dickson Day

--Presentation

#### Presentations:

#### Honorary Citizen Certificates to our two Brazilian Firefighters visiting the City of Wichita

Mayor Brewer welcomed and presented the visiting Brazilian Firefighters with honorary citizen certificates.

#### Fred Riffel, recipient of the KWEA Crystal Crucible Award.

Mayor Brewer and David Warren recognized and presented Fred Riffel with the KWEA Crystal Crucible Award

### PUBLIC AGENDA

#### Buck Goodman-Concerns Regarding the Boathouse.

Buck Goodman

Mr. Goodman stated it has been three years since there has been any type of maintenance done to the Boathouse and there is currently no water, sewer, or electricity in the building. Stated the roof has hail damage, the copper has been stolen from the air conditioning unit, and some windows have been broken out. Stated the building is deteriorating fast. Stated the boat, The Jayhawk, which was donated has been neglected and he would like to get the flags flying back on the boat. Stated he does not know if there are any plans to fix this building and would like to know what is going to happen inside the building regarding rodents. Stated Bill Koch donated this building to the City of Wichita and he feels it is being disrespectful to Bill Koch.

# CITY COUNCIL PROCEEDINGS

JOURNAL 191

MAY 13, 2008

PAGE 472

Mayor Brewer

Mayor Brewer instructed the City Manager to meet with Mr. Goodman to look at and discuss the future of the Boathouse.

## Rickie Coleman, Sunflower Community Action-Police Accountability and Video Cameras in Police Cars.

Rickie Coleman

Ms. Coleman stated there are people who are being treated badly, unfairly and are not getting justice and when complaints are submitted a lot of times they end up on the "dreaded desk" with no action being taken at all. Stated protecting the police and the citizens is why they want cameras in the police cars. Stated when someone is being taped on camera they act differently then when they are not and they always want their police department to be professional and the best that they can be. Stated she has a letter from Steve Cisneros from the Governor's office and he was sending them a new one today but they did not get it in time. Stated he is from the Kansas Hispanic Latino American African Commission and the Kansas African American Affairs Commission devised strategies to address the public policy concerns of the Hispanic communities and the African American communities in Kansas. Stated both have a concern for the African American communities and the Hispanic, which is the unlawful act of racial profiling by Kansas law enforcement officers. Stated both commissions have been instrumental in the creation of Kansas statutes, prohibiting racial profiling and both commissions are committed to work to the Governor's Task Force on racial profiling and wish to continue to work in partnership with Kansas law enforcement agencies to initiate community programs to prevent profiling. Stated both commissions would be pleased to assist the City of Wichita and the Wichita Police Department in the development of a community campaign and to apply for state and federal funds needed to install patrol cameras. Stated they would like to work in partnership with the Council to address this very important community concern and look forward to an opportunity to meet with the Council to further discuss this concern.

Ed Flentje

Interim City Manager explained that the Police Chief indicated to him that an RFP is in process and expect that the eight vehicles will be equipped with the in car video system in late June. Stated a letter to this effect was mailed to Ms. Coleman.

## Emira Palacios-Concerns within the Hispanic Community.

Emira Palacios

Ms. Palacios stated there are many people who are too afraid to go to the police department to report complaints of police brutality and abuse of power. Stated it is very important that the Council do something to correct this problem. Stated she is here to plead with the Council to ask them to do what is right and thinks that cameras in police cars is one step needed to be taken. Stated if you have nothing to fear then you should not fear cameras in police cars.

## Carlene Eye, Sunflower Community Action-Police Detective violation of civil rights.

Carlene Eye

Ms. Eye stated a police officer arrived in her home in a paddy wagon and said he was putting her two grandchildren in police protective custody. Stated she asked if he had a warrant and was told that if she makes him go get a warrant, when he comes back he will secure the house and everyone in the house and take the children screaming. Stated she let him in the door and this is illegal in every federal court. Stated he stood in her living room and bragged that he could do anything he wanted to her grandchildren and there was nothing that she could do about it and today he has been right. Stated he told her son-in-law that it did not matter what he did to her grandchildren because they were too young to remember it. Stated they filed this complaint in April of 2007 and got no response and filed it again in December 2007 and have had no response. Stated when the children were taken into police protective custody they were there for six days and were returned to them with sores, cuts, and bleeding. Stated the children are four and five years old today and are still fearful when hearing sirens. Stated six months after this happened they had some power tools stolen and did not call the police department because they did not want them on their property. Stated she would like to ask the Council for somebody to read her written complaint and respond to her and if the City Manager and Police Chief Williams would meet with Sunflower Community Action Group and her family and set up something so that that EMCU Unit does not do this to any other children.

# CITY COUNCIL PROCEEDINGS

JOURNAL 191

MAY 13, 2008

PAGE 473

Mayor Brewer

Mayor Brewer asked the City Manager to take a copy of her complaint and check into it.

## UNFINISHED COUNCIL BUSINESS

### PETITION

**PETITION TO PAVE PARTS OF NEW JERSEY DRIVE, VALLEY FORGE ROAD AND BRANDYWINE ROAD, EAST OF OLIVER, NORTH OF 31<sup>ST</sup> STREET SOUTH.**  
**(DISTRICT III)**  
**(DEFERRED MAY 6, 2008)**

Jim Armour

City Engineer reviewed the item.

Agenda Item No. 5.

The signatures on the Petition represent 21 of 40 (53%) resident owners and 39% of the improvement district area. District III Advisory Board sponsored an April 2, 2008, neighborhood hearing on the project. The Board voted 9-0 to recommend approval of the project. The City Council considered the Petition on May 6, 2008. Gary Hefley, owner of property at the northeast corner of Oliver and 31<sup>st</sup> Street South, stated that it was his intent to request that Brandywine be vacated adjacent to his property. The City Council deferred action on the Petition for one week so that the proposal could be considered. Public Works-Engineering Staff and Council Member Skelton met with Mr. Hefley. He stated that he was not opposed to the paving project, except that portion adjacent to his property. Staff explained that the street could be shortened with a cul-de-sac, but his property would remain in the assessment district. In addition, the effect on his property of vacating the street would be determined by processing the proposal through the Planning Commission. Mr. Hefley has since contacted staff and stated he has decided not to proceed with his proposal at this time.

The Petition can be approved and a determination of the extent of the Brandywine paving can be made as part of the design process.

The estimated project cost is \$340,000 with \$293,700 assessed to the improvement district and \$46,300 paid by the City. The City share is for the cost of intersection construction with General Obligation bonds as the funding source. The method of assessment is the square foot basis. The estimated assessment to individual properties is \$00.40 per square foot of ownership.

This project addresses the Efficient Infrastructure goal by providing street paving in an existing residential area.

State Statutes provide that a Petition is valid if signed by a majority of resident property owners or owners of the majority of the property in the improvement district.

Mayor Brewer

Mayor Brewer inquired whether anyone wished to be heard.

Gary Hefley

Mr. Hefley stated he was here last week about the paving and had originally purchased this property as an investment property but it has been non-producing. Stated he has met with Council Member Skelton and the City Engineer and that it seems like property rights are a thing of the past. Stated this property would not be a good location for single family homes, which it is now zoned. Stated if he cannot sell this property he will just abandon it.

(Council Member Fearey momentarily absent)

# CITY COUNCIL PROCEEDINGS

JOURNAL 191

MAY 13, 2008

PAGE 474

Council Member Skelton Council Member Skelton stated he is standing up for the property rights of the people that live down there and their right to petition for public improvements. Stated Mr. Hefley is on the losing end of the petition and does not expect him to support it. Stated the reason that this is not going to qualify for commercial zoning is because the entrance would be too close to the corner and that would cause a public safety hazard. Stated he is going to vote to support the neighborhood and the people that live in there and their right to improve their standard of living today.

Motion-- Skelton moved that the Petition be approved; the Resolution adopted; and the necessary signatures  
--carried authorized. Motion carried 6 to 0, (Fearey absent).

## RESOLUTION NO. 08-254

Resolution of findings of advisability and resolution authorizing constructing pavement on New Jersey Drive from the northwest corner of Lot 4 of the Washington Heights replat of Block I & J to the northeast corner of Lot 12, Block D of Washington Heights Addition and on Valley Forge Road from the northeast corner of Lot 7, block h of Washington Heights Addition to 31st street south and on Brandywine Court from southwest corner of Lot 18, Block H of Washington Heights Addition to the northeast corner of Lot 16, Block D of Washington Heights Addition (east of Oliver, north of 31st St. south) 472-84718 in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Skelton moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Gray, Schlapp, Skelton, Longwell, Williams and Brewer, (Fearey absent).

## NEW COUNCIL BUSINESS

### APPEAL

### APPEAL OF DENIAL OF MANUFACTURED HOME PARK ANNUAL LICENSE RENEWAL OAKWOOD MANOR MOBILE HOME PARK, 5420 S. BROADWAY. (DISTRICT III)

Kurt Schroeder Office of Central Inspection reviewed the item.  
  
(Council Member Williams momentarily absent)  
  
(Council Member Schlapp momentarily absent)  
  
Agenda Item No.6.

By letter dated February 28, 2008 (received in the Mayor's Office on March 3, 2008), the owner of Oakwood Manor Mobile Home Park, 5420 S. Broadway, is appealing the Office of Central Inspection (OCI) refusal to renew the Park's annual manufactured home park license. Oakwood Manor's most recent annual license expired on February 17, 2008; the annual license renewal was officially denied by OCI on February 20, 2008. An appeal of a denial or refusal to renew an annual park license is authorized by Section 26.04.038 of the City Code.

The appellant states that he has been working to correct code violations in the Park, and he requests additional time to complete required Park improvements. The appellant also states his intent to continue to cooperate with the City to achieve code compliance in the Park. Since license denial on February 20, 2008, OCI staff has met with the Park owner on several occasions (at the Park) to review additional compliance progress; progress is being made.

Wichita first adopted manufactured home park regulations in 1964. Since 1964, the City has required manufactured home parks to be licensed, and to be re-licensed on an annual basis. Manufactured home parks developed after adoption of the 1964 ordinance have been required to meet certain manufactured home park development standards, and to be located in a manufactured housing zoning district.

# CITY COUNCIL PROCEEDINGS

JOURNAL 191

MAY 13, 2008

PAGE 475

Manufactured home parks that were developed prior to adoption of the 1964 ordinance have been allowed to renew their annual licenses and to operate as “legal non-conforming” or “non-standard” parks, without being required to meet current park design and/or zoning standards.

In July 2006, the City amended its Manufactured Home Park ordinance, adding additional park maintenance and licensing standards, as well as new provisions for denial and/or revocation of manufactured home park licenses. On February 20, 2008, OCI refused to renew the mobile home park license for Oakwood Manor Mobile Home Park based upon thirteen active Minimum Housing Code violation cases, one (1) active environmental premise violation case, and one (1) Unified Zoning Code violation case (driveway/circulation aisle conditions).

Oakwood Manor Mobile Home Park was established in 1950. The approximate four acre property is zoned “LC” Limited Commercial, and has been operated as a legal non-conforming mobile home park since 1969 (upon annexation into Wichita). Initially, the Park was licensed for 50 spaces. Most recently, the Park was licensed for 36 spaces. As of April 22, 2008, there were 26 mobile homes in the park. Of these 26 mobile homes, 22 homes were occupied and four (4) were vacant. One (1) of the four (4) vacant mobile homes was being removed, and two (2) other vacant homes were being prepared for removal by the park owner (contingent on mobile home title transfer to the Park owner).

Pursuant to Section 26.04.036 of the Mobile Home and Mobile Home Park Regulations, violation notices regarding minimum housing, zoning and/or environmental code violations were sent by certified mail to the property owner on October 17, 2007, January 15, 2008, and February 20, 2008. The earlier notices also outlined the potential for denial of a license when the annual Park license expired on February 17, 2008. Section 26.04.035 of the City Code stipulates that an application for license renewal shall be denied by the Superintendent of Central Inspection for violations of the provisions of Chapter 26.

Regulations relating to conditions of mobile home parks stipulate that the Superintendent of Central Inspection, or his designee, and the Director of Environmental Health, or his/her designee, are authorized to inspect and approve the licensee’s premises, and to ensure compliance with all the ordinances of the City of Wichita governing public health, safety, and welfare.

Based on the significant number of Minimum Housing Code cases and the environmental premise condition case still active in the Park as of February 18, 2008, Oakwood Manor Mobile Home Park’s application for annual license renewal was denied by OCI on February 20, 2008, pursuant to Section 26.04.115 of the City Code.

## **Code Enforcement Case Summary/Update:**

When the October 17, 2007 Notice of Violation was issued, there were twenty-three open minimum housing code cases in Oakwood Manor Mobile Home Park. The January 15, 2008 follow-up Notice of Violation added a Unified Zoning Code violation (driveway/circulation aisle conditions). When the annual license renewal was denied on February 20, 2008, thirteen minimum housing code violation cases were still open (ten housing cases were resolved between October 17, 2007 and February 20, 2008), and the zoning code case was still open; an environmental case, initiated on February 8, 2008, was also open.

As of April 22, 2008, four (4) of the thirteen housing code cases open on February 20, 2008 had been resolved, and two (2) recently vacated/abandoned mobile homes were being prepared for removal by the park owner. In addition, required home repairs were nearly complete on two (2) other mobile home housing code cases. Some repair work had been completed on each of the other five (5) mobile home housing code cases. As of April 22, 2008, the zoning code case (driveway/circulation aisle conditions) had been resolved, and the environmental premise case was in substantial compliance (most remaining debris was construction material from on-going mobile home repair).

The Notice of Violation compliance dates for all but one (1) of the active minimum housing code cases, and for the open environmental case, expired during March and April 2008; one (1) of the active

# CITY COUNCIL PROCEEDINGS

JOURNAL 191

MAY 13, 2008

PAGE 476

housing code violation notice compliance date expires on May 14, 2008. Minimum housing code violation notices have been issued to both the Park owner and the owners of individually-owned mobile homes.

On January 24, 2006 the City Council adopted five (5) goals for the City of Wichita. These include: Provide a Safe and Secure Community, Promote Economic Vitality and Affordable Living, Ensure Efficient Infrastructure, Enhance Quality of Life, and Support a Dynamic Core Area & Vibrant Neighborhoods. This agenda item impacts the goal indicator to Support a Dynamic Core Area and Vibrant Neighborhoods: Continued Revitalization of the Core Area and Neighborhoods.

The license applicant was properly notified by the Superintendent of Central Inspection of the code violations and denial of the license renewal. The applicant has timely filed an appeal of the license denial. The basis for the appeal is a request for additional time to bring the Park into compliance. The City Council may sustain, reverse or modify OCI's denial of the annual license.

Council Member Skelton Council Member Skelton stated he has some conditions that if the applicant is willing he will as the Council to consider renewing the license.

Mayor Brewer Mayor Brewer inquired whether anyone wished to be heard

Russell Mills Mr. Mills stated he is an attorney for the applicant who happens to be his father. Stated there are some questions that he has that need to be discussed and determined how some of the recommendations that he is making are going to work. Stated one of the issues that he is not sure how it is going to work is the pre-inspection and approval of any units that move into the park.

Kurt Schroeder Office of Central Inspection explained this is written in a way that it is in consultation conjunction with the park owner so that a condition like this they could talk to the people to find out more about the model and not necessarily have to go down and inspect it. Stated they just want to make sure that it is a new model and in good condition and if there is a way they can verify that then that is what they will do.

Russell Mills Mr. Mills stated they recognize that there are some violations and many of those violations were brought on by the people who live there who are the working poor of this community and they do not have the funds to make some of the repairs to their units and they try and be as compassionate as they can be in working with them. Stated another concern that he has is the minimum age requirement for mobile homes. Stated he understands the 20 year requirement when a home moves into the park but what happens if there is a home that is 18 years old and moves into the park and becomes 21 years old, will it be required to move out?

Council Member Skelton Council Member Skelton stated his understanding is that it will be allowed to remain there but if it is non-code compliant then we would have to do something about it at that time. Stated if it is non-code compliant it would not matter how old it is and they want things in there that are 20 years old or newer.

Kurt Schroeder Office of Central Inspection explained that homes that are moved in and then if they become 21 and 22 years old while they are there as long as they are maintained are fine.

(Mayor Brewer momentarily absent)

Russell Mills Mr. Mills stated having those questions clarified they have no objections to the recommendations that have been made by Central Inspection.

# CITY COUNCIL PROCEEDINGS

JOURNAL 191

MAY 13, 2008

PAGE 477

Motion--

Skelton moved to reverse the action of the Superintendent of Central Inspection to deny the renewal of the manufactured park home licensed for Oakwood Manor Mobile Home Park located at 5420 South Broadway and to renew the license for a period of six months. This action is based on substantial improvements made to the park and the mobile homes within the past six months. This license renewal is approved with the following conditions: resolution of any remaining code violations no later than June 13, 2008; resolutions of the remaining minimum housing code violations in a park by no later than August 15, 2008; implementation of minimum conditions standards for manufactured homes moved into the park limited to 20 year old models or newer; pre-inspection and approval of any units that are moved into the park in consultant and conjunction with the Office of Central Inspection staff; and the installation of a new solid screening fence along both the 150 and 200 foot of the south property line and approximately 80 feet of the west property line as approved by the City, which will include a solid six to eight foot tall cedar fence no later by October 17, 2008. If any of the conditions are not met, the license may be revoked and will not be renewed upon the expiration of the six month license period.

--carried

Motion carried 7 to 0.

## BOEING IRB

### PURCHASE OPTION FOR 1997 PROJECT (BOEING IRB ASSET TRUST).

Allen Bell

Urban Development Director reviewed the item.

(Council Member Skelton momentarily absent)

Agenda Item No. 7.

The City has outstanding nine series of Industrial Revenue Bonds issued between December 1, 1997 and December 14, 2005, to finance facilities for the benefit of The Boeing Company ("Boeing"). Each series was issued as a stand-alone financing for a discrete project, under separate, project-specific Leases (the "Leases"). Bond proceeds for each series were used for the purpose of financing the costs of acquisition, construction, equipping and furnishing of certain industrial facilities (collectively the "Projects") for lease to, and use by, The Boeing Company. On June 16, 2005, Boeing assigned its interest in all of the Leases to BOEING IRB Asset Trust, a Delaware statutory trust ("Tenant"). Under the provisions of the applicable Lease Agreements the Tenant, if not in default, has the option to purchase each project from the City for a set price of \$1000, plus all amounts required to provide for redemption and payment of the principal, interest and premium on the outstanding bonds issued to finance that project, together with the Trustee's fees and costs of redemption. The City has received notice of the BOEING IRB Asset Trust's intention to exercise its purchase option for the property financed with the proceeds of the Series XVI, 1997 Bonds, and the firm of Kutak Rock LLP, Tenant's Bond Counsel, has submitted documents for that purpose.

Under the terms of the 1997 Lease Agreement, the City is required to convey the property securing the IRB issue to the BOEING IRB Asset Trust, as Assignee of the original Tenant, following the payment of all outstanding Series XVI, 1997 Bonds and the BOEING IRB Asset Trust's payment of the purchase price and other consideration under the provisions of the 1997 Lease Agreement.

The Tenant desires to have the City complete the conveyance of the purchased property in June 2008, and the purchase price of \$1,000 and other consideration as required by the 1997 Lease Agreement will be paid by the Tenant prior to the closing.

Economic Vitality and Quality of Life. Cooperating with the Tenant and Trustee on IRB issues is a necessary part of preserving the credibility and integrity of the City's IRB program for future projects.

When the purchase price and other consideration (including the retirement of all the 1997 Bonds) has been paid, it will be appropriate for the City to sell and reconvey the 1997 project property to the BOEING IRB Asset Trust, and to terminate the lease and security interests and take all other actions needed to terminate the City's interest in the property. The City Attorney's Office has approved the form of the attached Resolution and the form of the Termination of Lease to be executed and delivered

# CITY COUNCIL PROCEEDINGS

JOURNAL 191

MAY 13, 2008

PAGE 478

by the City, as well as the notice letter to be acknowledged by the City, and the Release of Lien of Indenture to be approved by the City and delivered to the Tenant by the Trustee.

Mayor Brewer

Mayor Brewer inquired whether anyone wished to be heard and no one appeared.

Motion--

Skelton moved that the Resolution conditionally approving the execution and delivery of the conveyance and termination instruments be adopted and the necessary signatures authorized.

--carried

Motion carried 7 to 0.

## RESOLUTION NO. 08-255

A Resolution of the City of Wichita, Kansas, approving and authorizing the execution and delivery of a termination of Lease and other appropriate instruments, presented. Skelton moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Fearey, Gray, Schlapp, Skelton, Longwell, Williams and Brewer.

### 2008/2009 HUD

#### 2008-2009 HUD COMBINED ALLOCATIONS/ANNUAL ACTION PLAN. (DISTRICTS I, III, IV, VI)

Mary K. Vaughn

Housing and Community Services Director reviewed the item.

Agenda Item No.8.

On March 18, 2008, the City Council approved funding allocations for 2008/2009 entitlement funds. To receive these federal funds, HUD requires cities to prepare an Annual Action Plan listing eligible projects and services to be funded with Community Development Block Grant (CDBG), HOME Investment Partnerships (HOME), and Emergency Shelter Grant (ESG) funds. The proposed Annual Action Plan must be submitted for public comment prior to final adoption by the City Council.

The 2008/2009 Annual Action Plan lists the federal resources expected to be available from grant assistance programs to address priority needs as adopted by the City Council, a description of the activities funded by the City Council, the geographic location of the activities, and other special needs and activities (including homeless services) to be undertaken during the fiscal year. The 2008/2009 Annual Action Plan covers the period July 1, 2008 through June 30, 2009.

Funding in the 2008/2009 Annual Action Plan totals \$5,205,058, which includes grant funds in the amount of \$4,605,058 and estimated program income (primarily from revolving loan programs) of \$600,000. Grant fund amounts reflect the following reductions from prior year levels due to decreases in congressional appropriations: CDBG reduced by \$105,734; HOME reduced by \$61,097; American Dream Down payment Initiative (ADDI) reduced by \$23,024; and ESG reduced by \$656. Program income has been allocated for Neighborhood Stabilization projects, rental rehab and NCI/StopBlight/START projects. HOME allocations were adjusted to restore ADDI funding to prior year levels; ESG fund categories were also adjusted to meet actual allocation levels.

Approval of the Annual Action Plan will impact the Economic Vitality and Affordable Living, Quality of Life, Core Area and Neighborhood, and Efficient Infrastructure goals.

The City has met all federal requirements to finalize a preliminary Annual Action Plan. The 30 day public comment period began April 5, 2008 and ended on May 5, 2008. No comments were received.

Mayor Brewer

Mayor Brewer inquired whether anyone wished to be heard and no one appeared.

Motion--

Brewer moved that the public comment period be closed; the proposed 2008/2009 Annual Action Plan as an amendment to the City's Consolidated Plan approved; submission of the plan to HUD authorized; and all necessary signatures authorized. Motion carried 7 to 0.

--carried



# CITY COUNCIL PROCEEDINGS

JOURNAL 191

MAY 13, 2008

PAGE 479

## NUISANCE CODE

### NEIGHBORHOOD NUISANCE ENFORCEMENT CODE AMENDMENTS CHAPTER 8.01 OF THE CODE OF THE CITY OF WICHITA.

Kurt Schroeder

Office of Central Inspection reviewed the item.

(Council Member Gray momentarily absent)

Agenda Item No.9.

The City Council's approved 2008/2009 budget authorized the transfer of certain Environmental Service Department staff, budget and private property code enforcement responsibilities to the Office of Central Inspection (abandoned or junk cars, tall grass and weeds, bulky waste/debris, scattered trash and residential trash collection service), beginning in 2008. Over the past several months, OCI staff has worked closely with Law, Environmental Services, Police and Municipal Court staff to review pertinent City Codes, processes and procedures, and to develop recommended ordinance amendments. The proposed Chapter 8.01 amendments will help ensure a smooth transition of neighborhood code enforcement responsibilities from the Environmental Services Department to the Office of Central Inspection (from initial notice, to abatement, through Neighborhood Court). The amended ordinances will also facilitate more effective neighborhood code enforcement.

In April 2008, staff presented the proposed ordinance amendments to five (5) of the six (6) District Advisory Boards (DABs) for review and comment. A scheduled presentation to DAB II was deferred from April 7, 2008 until May 5, 2008; the DAB II May 5, 2008 presentation had not been made at the time of this Council Agenda submission to the City Clerk. All other DABs were supportive of proposed amendments to Title 8.01, which will be called the *Neighborhood Nuisance Enforcement Code*.

Most of the proposed Chapter 8.01 *Neighborhood Nuisance Enforcement Code* amendments are required as a result of the recently approved transfer of various neighborhood code enforcement responsibilities and services from the Environmental Services Department to the Office of Central Inspection. However, several of the proposed amendments implement new regulations are not required by the service transfer.

Chapter 8.01 amendments are necessary in order to:

- delineate the new and/or revised code enforcement responsibilities (and authority) for the Office of Central Inspection;
- clarify and/or add definitions required to ensure legally defensible and effective enforcement of the Office of Central Inspection's new or revised neighborhood code responsibilities;
- set forth minimum required property owner and/or tenant notice procedures and content for new or revised Office of Central Inspection code enforcement duties; and
- specify private property abatement procedures and appeal (hearing) processes to be used by the Office of Central Inspection in enforcement of new or revised code enforcement responsibilities.

Proposed Title 8.01 amendments **not** required by the transfer of services include: (1) higher *maximum* Municipal Court fines; and (2) imposition of required *minimum* Municipal Court fines for repeat offenders. The maximum allowed fine would be increased from \$500 to \$1,000. Escalating minimum fines for repeat offenders found guilty in Municipal Court more than once within any three-year period would be required, as follows:

- upon a first conviction, a fine of not more than one thousand dollars;
- upon a second conviction, a fine of not less than one hundred dollars nor more than one thousand dollars;
- upon a third or subsequent conviction, a fine of not less than two hundred fifty dollars nor more than one thousand dollars.

# CITY COUNCIL PROCEEDINGS

JOURNAL 191

MAY 13, 2008

PAGE 480

The proposed Chapter 8.01 fine schedules are similar to those adopted in December 2006 for the Minimum Housing Code (Title 20.04) as part of the StopBlight Program (although maximum and minimum fine levels proposed for Chapter 8.01 are lower).

On January 24, 2006, the City Council adopted five (5) goals for the City of Wichita. These include: Provide a Safe and Secure Community, Promote Economic Vitality and Affordable Living, Ensure Efficient Infrastructure, Enhance Quality of Life, and Support a Dynamic Core Area & Vibrant Neighborhoods. This agenda item impacts the goal indicator to Support a Dynamic Core Area and Vibrant Neighborhoods: Continued Revitalization of the Core Area and Neighborhoods.

There are no costs to the City associated with adoption of the amended ordinance.

The ordinance has been approved as to form by the Law Department.

Mayor Brewer

Mayor Brewer inquired whether anyone wished to be heard and no one appeared.

Motion--  
--carried

Brewer moved that first reading of the ordinance amending Chapter 8.01 of the Code of the City of Wichita be approved. Motion carried 7 to 0.

## ORDINANCE

An ordinance amending sections 8.01.010, 8.01.040, 8.01.050, 8.01.060, 8.01.070 and 8.01.130, creating sections 8.01.052, 8.01.055, 8.01.065, 8.01.135 and 8.01.175 of the code of the city of Wichita, Kansas, and repealing the originals of Sections. 8.01.010, 8.01.040, 8.01.050, 8.01.060, 8.01.070, 8.01.080, 8.01.090. 8.01.130, 8.01.150, 8.01.160, 8.01.170 and 8.01.180, of the code of the city of Wichita, Kansas, all pertaining to nuisances. Introduced and under the rules laid over.

## GRAFFITI ORD.

### GRAFFITI ORDINANCE CODE AMENDMENTS CHAPTER 5.37 OF THE CODE OF THE CITY OF WICHITA.

Kurt Schroeder

Office of Central Inspection reviewed the item.

Agenda Item No.10.

Over the past several months, Office of Central Inspection (OCI) staff has worked closely with Law, Environmental Services, Police and Municipal Court staff to review pertinent City Codes, policies and procedures that may be affected by the Council's approved transfer of certain Environmental Service Department personnel, funding and neighborhood nuisance code enforcement responsibilities to OCI (abandoned or junk cars, tall grass and weeds, bulky waste/debris, scattered trash and residential trash collection service). The transfer was authorized with Council approval of the City's 2008/2009 budget.

The Graffiti Ordinance (Chapter 5.37 of the Code of the City of Wichita) was one of the ordinances reviewed during this process. Although no changes to the Graffiti Ordinance are required as a result of the budget-authorized service transfer, staff saw a need to modify the property owner notice requirements, as currently set forth in the ordinance.

In April 2008, staff presented the proposed ordinance amendments to five (5) of the six (6) District Advisory Boards (DABs) for review and comment. A scheduled presentation to DAB II was deferred from April 7, 2008 until May 5, 2008; the DAB II May 5, 2008 presentation had not been made at the time of this Council Agenda item to the City Clerk. All other DABs were supportive of the proposed Code amendments.

The proposed amendment to Chapter 5.37 eliminates highly specific format and wording of the required notice to property owners. Instead of requiring notice in an exact format, the proposed amendments set forth notice requirements in general terms. The amended ordinance will allow OCI to revise the required notice to be more friendly, informative and useful to notice recipients.

# CITY COUNCIL PROCEEDINGS

JOURNAL 191

MAY 13, 2008

PAGE 481

On January 24, 2006, the City Council adopted five (5) goals for the City of Wichita. These include: Provide a Safe and Secure Community, Promote Economic Vitality and Affordable Living, Ensure Efficient Infrastructure, Enhance Quality of Life, and Support a Dynamic Core Area & Vibrant Neighborhoods. This agenda item impacts the goal indicator to Support a Dynamic Core Area and Vibrant Neighborhoods: Continued Revitalization of the Core Area and Neighborhoods.

There are no costs associated with adoption of the amended ordinance.

The ordinance has been approved as to form by the Law Department.

Mayor Brewer

Mayor Brewer inquired whether anyone wished to be heard and no one appeared.

Motion--  
--carried

Brewer moved that first reading of the ordinance amending Chapter 5.37 of the Code of the City of Wichita be approved. Motion carried 7 to 0.

## ORDINANCE

An ordinance amending section 5.37.060 of the code of the city of Wichita, Kansas, pertaining to graffiti and repealing the originals of said sections. Introduced and under the rules laid over.

**TRAFFIC ORD.**

### **TRAFFIC ORDINANCE AMENDMENTS (OCI PARKING ENFORCEMENT AUTHORITY) CHAPTER 11.52.035 OF THE CODE OF THE CITY OF WICHITA.**

Kurt Schroeder

Office of Central Inspection reviewed the item.

Agenda Item No.11.

Over the past several months, Office of Central Inspection (OCI) staff has worked closely with Law, Environmental Services, Police and Municipal Court staff to review pertinent City Codes, policies and procedures that may be affected by the Council's approved transfer of certain Environmental Service Department personnel, funding and neighborhood nuisance code enforcement responsibilities to OCI (abandoned or junk cars, tall grass and weeds, bulky waste/debris, scattered trash and residential trash collection service). The transfer was authorized with Council approval of the City's 2008/2009 budget.

The Traffic Ordinance section pertaining to illegal parking (Chapter 11.52 of the Code of the City of Wichita) was one of the ordinances reviewed during this process. Although no changes to Chapter 11.52 are required as a result of the budget-authorized neighborhood code enforcement service transfer, staff saw a need to modify Chapter 11.52 to more clearly establish authority of OCI personnel to enforce various parking requirements of the ordinance.

In April 2008, staff presented the proposed ordinance amendments to five (5) of the six (6) District Advisory Boards (DABs) for review and comment. A scheduled presentation to DAB II was deferred from April 7, 2008 until May 5, 2008; the DAB II May 5, 2008 presentation had not been made at the time of this Council Agenda item to the City Clerk. All other DABs were supportive of the proposed Code amendments, although DAB III had some questions regarding illegal parking on a "sidewalk area."

The proposed creation of Section 11.52.035 clarifies authority of OCI inspectors (in addition to law enforcement officers) to issue notices and/or citations for certain parking violations, as currently outlined in existing City Code Sections 11.52.020(4) and 11.52.030, including:

- Parking of vehicles on or across public sidewalk areas; and
- Illegal parking of vehicles in front yards and street side yards, and/or on un-surfaced areas (per Unified Zoning Code requirements).

# CITY COUNCIL PROCEEDINGS

JOURNAL 191

MAY 13, 2008

PAGE 482

The newly created Chapter 11.52.035 provisions provide for more efficient and effective City enforcement of these parking violations, and help ensure enforceability of these parking ordinance provisions by OCI staff. With respect to illegal parking on "sidewalk areas", the Superintendent of OCI has confirmed with the Law Department that for purposes of enforcement, "sidewalk area" shall not include an area where no sidewalk exists.

On January 24, 2006, the City Council adopted five (5) goals for the City of Wichita. These include: Provide a Safe and Secure Community, Promote Economic Vitality and Affordable Living, Ensure Efficient Infrastructure, Enhance Quality of Life, and Support a Dynamic Core Area & Vibrant Neighborhoods. This agenda item impacts the goal indicator to Support a Dynamic Core Area and Vibrant Neighborhoods: Continued Revitalization of the Core Area and Neighborhoods.

There are no City costs associated with adoption of the amended ordinance.

The ordinances have been approved as to form by the Law Department.

Mayor Brewer

Mayor Brewer inquired whether anyone wished to be heard and no one appeared.

Motion--  
--carried

Brewer moved that first reading of the ordinance creating Chapter 11.52.035 of the Code of the City of Wichita be approved. Motion carried 7 to 0.

## ORDINANCE

An ordinance creating section 11.52.035 of the code of the city of Wichita, Kansas, pertaining to unlawful parking. Introduced and under the rules laid over.

## STORMWATER

### COUNTYWIDE STORMWATER MANAGEMENT MANUAL.

Chris Carrier

Public Works Administration Director reviewed the item.

(Council Member Longwell momentarily absent)

Agenda Item No.12.

In 2005, the City Manager and County Manager formed the Floodplain Management Task Force with a charge to evaluate current policy and practice of regulating development within floodplains and to make recommendations of any needed change in policy and practice to the Sedgwick County Board of Commissioners and Wichita City Council. In developing recommendations, the Task Force incorporated concerns regarding development within floodplains and the reduction of present and future flood hazards. Business, environmental, and neighborhood interests were taken into account. After deliberation, the Floodplain Management Task Force determined one of the short-term initiatives was to develop a stormwater management manual and floodplain development standards.

The Floodplain Management Task Force determined that floodplain management issues are linked to and affected by drainage issues, and must be evaluated and dealt with using a comprehensive approach. Uniform drainage standards are needed for many reasons. Communities in downstream locations, especially at the confluence of major rivers, cannot control development from other upstream jurisdictions within the watershed, which are affecting their level of vulnerability to flooding. A regional approach is needed to resolve a regional problem. If the problem is just pushed from one jurisdiction to the next, then the problem will never get resolved, and the problems downstream will only magnify. The Floodplain Management Task Force recommended the development of a stormwater management manual that is applicable for all municipalities in Sedgwick County, and potentially any other jurisdictions within the watersheds affecting Sedgwick County. The intent behind the development of a stormwater management manual is to ensure uniformity in drainage standards and

# CITY COUNCIL PROCEEDINGS

JOURNAL 191

MAY 13, 2008

PAGE 483

approaches used throughout the County, to ensure that each jurisdiction takes an appropriate level of responsibility for its actions, and to simplify the process among the development community by using one stormwater management manual applicable for all municipalities in Sedgwick County.

In 2007, the Kansas Department of Health and Environment (KDHE) issued the City of Wichita a new Stormwater Discharge Permit as authorized under EPA's National Pollutant Discharge Elimination System (NPDES). The new permit requires the City to implement and enforce a Stormwater Management Program that includes Best Management Practices (BMPs), which will reduce pollutants in stormwater runoff. One of the major compliance requirements for this new permit is the development of new standards for post-construction stormwater management in new development and redevelopment.

The City of Wichita currently uses an interim stormwater design manual that was published in 1987 and does not include development and construction site requirements to control pollutants in stormwater runoff. Changes in technology, building codes, regulatory requirements, and land development practices require modification of the current stormwater design manual, which is used by the City, County, and private engineers for developments in our communities. KDHE has given the City of Wichita a deadline of two years from October 1, 2007 to attenuate the discharge of regulated pollutants and initiate permanent BMP requirements in new developments.

The Floodplain Management Task Force recommended the City of Wichita and Sedgwick County to jointly fund a Countywide Stormwater Manual that would allow all communities in Sedgwick County to adopt and use the new manual when completed. The Sedgwick County Board of Commissioners has since created the Stormwater Management Advisory Board (SMAB). The SMAB is expected to appoint a Technical Advisory Committee on May 7, 2008 to help review the development of the countywide stormwater management manual.

The Staff Screening and Selection Committee selected AMEC to develop the Countywide Stormwater Management Manual on January 18, 2008. Payment to AMEC will be a not to exceed amount of \$436,500, and will be shared evenly between Sedgwick County and the City of Wichita. The Agreements require the City's Stormwater Utility to pay \$218,250 for consulting fees with the remaining funds to be paid by Sedgwick County. This project is included in the 2007-2016 Adopted CIP, with \$250,000 programmed in 2008 for the city's share. Sedgwick County will reimburse the City for their share as stated in the joint funding agreement.

The information received will help in providing a safe and secure community by ensuring our community's stormwater and flood plain development standards will prevent existing structures from being more susceptible to damage and reduce runoff pollutants to our creeks and rivers.

The Agreements and Resolution have been approved as to legal form by the Law Department.

Mayor Brewer

Mayor Brewer inquired whether anyone wished to be heard and no one appeared.

Motion--  
--carried

Brewer moved that the Joint Funding Agreement and the design agreement be approved; the resolution adopted; and the necessary signatures authorized. Motion carried 7 to 0.

## RESOLUTION NO. 08-256

A Resolution authorizing the issuance of Bonds by the City of Wichita at large for a stormwater drainage criteria and design manual (468-84502), presented. Brewer moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Fearey, Gray, Schlapp, Skelton, Longwell, Williams and Brewer.

# CITY COUNCIL PROCEEDINGS

JOURNAL 191

MAY 13, 2008

PAGE 484

## QTRLY REPORT

## QUARTERLY FINANCIAL REPORT FOR THE QUARTER ENDING MARCH 31, 2008.

Kelly Carpenter

Finance Director reviewed the item.

Agenda Item No. 13.

The Finance Department prepares quarterly unaudited financial reports to monitor and review the financial activities of the operating and capital funds. The report is presented to provide the City Council and citizens with information that will assist in making informed decisions. The report is available on the City's web-site and citizens may obtain a printed copy by contacting the Department of Finance at 268-4651.

Comparisons of budgeted amounts to actual revenue and expenditures are provided for each operating fund. In addition, financial statements prepared on an accrual basis are presented for enterprise funds, consistent with requirements of revenue bond covenants. The quarterly financial report does not contain all the entries and adjustments that will be reflected in the Comprehensive Annual Financial Report for fiscal 2008.

Financial highlights are summarized beginning on page iii, with financial statements beginning on page 1. Information supplementary to the financial statements begins on page 61, including information on the performance of invested funds, the City's bonded indebtedness relative to the legal debt limitations, capital projects currently underway, tax abatements, the status of the Debt Service fund relative to any debt service payments due from the tax increment financing districts, and a quarterly summary of disadvantaged and emerging business activity.

The Director of Finance will provide a financial overview and stand for questions.

The Internal Perspective is advanced with the Quarterly Financial Report providing information on the financial condition of City to the City Council, to the Citizens of Wichita and to investors. In addition, the report demonstrates budgetary compliance with applicable laws and ordinances for the reporting year.

No consideration necessary.

Mayor Brewer

Mayor Brewer inquired whether anyone wished to be heard and no one appeared.

Motion--  
--carried

Brewer moved that the Quarterly Financial Report for the quarter ended March 31, 2008 be received filed. Motion carried 7 to 0.

# CITY COUNCIL PROCEEDINGS

JOURNAL 191

MAY 13, 2008

PAGE 485

## PLANNING AGENDA

Council Member Skelton Council Member Skelton requested that item 19 be pulled for questions.

Motion-- Brewer moved that Planning Consent items 14 through 21 with the exception of item 19 be approved  
--carried with the recommended action shown thereon. Motion carried 7 to 0.

**CUP2008-00005** **CUP2008-00005 AND ZON2008-00007 – CREATION OF DP-311 MOORINGS PLAZA II COMMERCIAL AND RESIDENTIAL COMMUNITY UNIT PLAN AND ZONE CHANGE FROM SF-5 SINGLE-FAMILY RESIDENTIAL (“SF-5”) TO LC LIMITED COMMERCIAL (“LC”) AND NR NEIGHBORHOOD RETAIL (“NR”). GENERALLY LOCATED SOUTH OF 53RD STREET NORTH AND WEST OF NORTH MERIDIAN AVENUE. (DISTRICT VI)**

Agenda Item No. 14.

MAPC Recommendations: Approve, subject to staff recommendations (12-0).

MAPD Staff Recommendations: Approve, subject to conditions.

DAB VI Recommendations: Approve, subject to staff recommendations (7-2).

The applicant proposes to create a commercial and office Community Unit Plan containing approximately 18.07 acres with two parcels located approximately one-quarter mile south of the intersection of 53rd Street North and North Meridian Avenue. (The initial application included a Parcel 3, containing 18.31 acres that permitted MF-18 Multi-family Residential (“MF-18”) and Neighborhood Office (“NO”) uses. Parcel 3 has been deleted from this request.) The application area is currently zoned SF-5 Single-family Residential (“SF-5”).

Parcel 1 (11.25 acres) is located along Meridian Avenue, 1,323 feet south of the intersection of 53rd and Meridian; the proposed zoning being LC Limited Commercial (“LC”), except: group residence, general and limited; correctional placement residence, general and limited; recycling collection station, private; utility, major and minor; heliport, kennel, boarding and breeding and training; night club in the city and county; pawn shop, sexually oriented business, cemetery, all industrial, manufacturing and extractive uses. Queuing for drive-through lanes shall not direct vehicle headlights onto single-family lots. Parcel 1 is also located just north of a proposed drainage-way dedication. Parcel 1 is contiguous to the City of Wichita’s existing sanitary sewer lift station on three sides.

Parcel 2 (6.82 acres) is also situated along Meridian Avenue, but south of the proposed drainage-way and north of Keywest Street. Proposed zoning for Parcel 2 is NR Neighborhood Retail (“NR”) except: group residence, limited; correctional placement limited; utility, minor; pawn shop; all industrial, manufacturing and extractive uses; all uses permitted in the MF-18 Multi-family Residential (“MF-18”) zone district and animal care, limited. Queuing for drive-through lanes shall not direct vehicle headlights on to single-family lots.

Reserve A (0.79 acres) is situated between Parcels 2 and 3 to the north and Keywest Street to the south. Reserve A is designated for open space, screening, sidewalks, berms, landscaping, irrigation and utilities confined by easements. The reserve initially allowed for two (2) possible accesses, one through to Parcel 2 and one for Parcel 3, connecting with Keywest Street. The access point from Keywest to the now deleted Parcel 3 has been eliminated from General Provision 14.

In any parcel, drive-through or in car service (for restaurants, banks, etc, service station, fuel outlets or gas pumps) shall not be permitted within 200 feet of any single-family residential lot.

The proposed zoning pattern would confine the more intensive uses to Parcel 1 in the northern part of the CUP, away from any large concentration of single-family residences and buffered from the rest of the CUP by a 105-foot drainage way easement. The uses permitted by the CUP are only those uses permitted by right and not by conditional use.

# CITY COUNCIL PROCEEDINGS

JOURNAL 191

MAY 13, 2008

PAGE 486

The CUP has a maximum building coverage of 30 percent, maximum gross floor area of 35 percent and a maximum building height of 35 feet. The buildings would have uniform architectural compatibility and share similar lighting elements, with a maximum height of 25 feet for the light poles, except 15 feet when within 100 feet of residential zoning or residential uses, and share a similar landscape palette. The CUP requires internal circulation among parcels and cross-lot circulation.

All parcels are subject to the requirements of the Sign Code for the City of Wichita for the LC zoning district. Freestanding signs would be monument style with shared elements and a maximum height of 25 feet. The recommendation for the sign plan is to keep the amount of signage within the range of the 0.8 x the parcel's linear frontage for LC on North Meridian Avenue. No signs will be allowed along Keywest Street and no lighted signs shall be allowed to face the single-family residential lots to the south and or west. Flashing signs (except time, temperature, public service messages) moving, portable, billboard and off-site signs are prohibited. A six to eight foot high masonry wall is designated along the west, northwest and north property lines adjoining SF-20 and SF-5 zoning.

Currently, the property to the north of Parcel 1 is zoned SF-20 Single-family Residential ("SF-20"), owned by a church and is vacant farmland. The property to the south of Parcel 2 is zoned SF-5 and is developed with single-family residences. The property located east of the proposed CUP, along north Meridian Avenue, is developed with single-family residences or is farmland and zoned SF-5. The land to the west (now the deleted Parcel 3) is vacant and also zoned SF-5.

The proposed CUP is located  $\frac{3}{4}$  of a mile from both the Little Arkansas and the Big Arkansas Rivers. The proposed CUP is located in the flood hazard zone "X." Zone X is the flood insurance rate zone that corresponds to areas outside the 100-year floodplains, areas of 100-year sheet flow flooding where average depths are less than 1 foot, areas of 100-year stream flooding where the contributing drainage area is less than 1 square mile, or areas protected from the 100-year flood by levees. No Base Flood Elevations or depths are shown within this zone.

At the MAPC meeting held April 10, 2008, MAPC voted (12-0) to recommend approval of the CUP and zone change request subject to staff recommendation. There was discussion regarding a deceleration and a left turn lane into the proposed development, but the Commission decided to go with staff recommendations to address that issue during platting of the property. One citizen spoke in reference to the left turn lane and he did not think the developers should be responsible for that expense.

This case was originally heard at the District VI Advisory Board meeting held on March 3, 2008. At that meeting, the DAB voted 8-1 to deny the request due to concerns of commercial development and multi-family residential development being adjacent to an existing residential area. The application at that time consisted of three parcels with a large multi-family component abutting single-family zoned property. The applicant modified the application in response to the DAB recommendation and presented the modified application to DAB VI on April 7, 2008. At that meeting, the DAB voted 7-2 to approve the CUP and zone change as presented per staff recommendations. The modified request eliminated Parcel 3 and also eliminated the multi-family component. The modified request has the majority of the CUP fronting North Meridian with LC zoning in Parcel 1 and NR zoning in Parcel 2. No modification was made to the MAPC recommendation. No protest petitions have been filed.

Between the two DAB meetings the applicants also held a meeting with the Moorings and Harbor Isle Neighborhood Associations.

The MAPC recommendation is to APPROVED subject to the following conditions:

- A. APPROVE the zone change (ZON2008-07) to LC and NR, subject to the development guidelines contained in DP-311, and platting within one year;
- B. APPROVE the Community Unit Plan (DP-311), subject to the following conditions:
  1. Guarantee decel lanes and left turn lanes into full movement openings at time of platting.



# CITY COUNCIL PROCEEDINGS

JOURNAL 191

MAY 13, 2008

PAGE 487

2. Prohibit drive-through windows located within 200 feet of residential zoning and ensure queuing lanes for drive-through windows do not align vehicle headlights facing residential zoning.
3. Non-lighted signs are allowed to face towards the south and west property lines.
4. Any major changes in this development plan shall be submitted to the Planning Commission and to the Governing Body for their consideration.
5. The transfer of title of all or any portion of the land included within the Community Unit Plan does not constitute a termination of the plan or any portion thereof, but said plan shall run with the land for commercial development and be binding upon the present owners, their successors and assigns, unless amended.
6. The ordinance/resolution establishing the zone change shall not be published until the platting has been recorded with the Register of Deeds.
7. Prior to publishing the ordinance/resolution establishing the zone change, the applicant(s) shall record a document with the Register of Deeds indicating that this tract (referenced as DP-311) includes special conditions for development on this property.
8. The applicant shall submit four revised copies of the CUP to the Metropolitan Area Planning Department within 60 days after approval of this case by the Governing Body, or the request shall be considered denied and closed.

## Promote Economic Vitality

The ordinance has been reviewed and approved as to form by the Law Department.

Motion--  
--carried

Brewer moved that the community unit plan and the zone change to LC Limited Commercial ("LC") and NR Neighborhood Retail ("NR") be approved. Motion carried 7 to 0.

## ORDINANCE

An ordinance changing the zoning classifications or districts of certain lands located in the city of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick county unified zoning code, section v-c, as adopted by section 28.04.010, as amended. Introduced and under the rules laid over.

ZON2008-14

### **ZON2008-14-ZONE CHANGE FROM LC LIMITED COMMERCIAL TO OW OFFICE WAREHOUSE; GENERALLY LOCATED SOUTH OF 53RD STREET NORTH AND WEST OF ARKANSAS. (DISTRICT VI)**

Agenda Item No. 15.

MAPC Recommendations: Approve (12-0)

MAPD Staff Recommendations: Approve

DAB Recommendations: Approve

The application area is zoned LC Limited Commercial ("LC") and is used for medical equipment warehousing and distribution. Warehousing is not a permitted use in the LC district; therefore, the applicant requests OW Office Warehouse ("OW") zoning. The platted site is located at the southwest corner of West 53rd Street North and Arkansas. The northeast half acre of this site is developed with a commercial/warehouse building; the remainder of the five-acre site is undeveloped. The site has significant vegetation along the west property line and at the southwest corner. No screening fences exist on the site, and the south property line is not as well landscaped. Loading areas on the site are screened from the south neighbors by the building.

North of the site, across 53rd Street North, are SF-5 Single-family Residential ("SF-5") zoned residences, a legal non-conforming nursery/garden center and a church. South and west of the site are SF-5 zoned single-family residences. East of the site, across Arkansas, is vacant LI Limited Industrial ("LI") zoned property under Protective Overlay PO-85. Further east is a rail corridor and industrial uses within Park City.

# CITY COUNCIL PROCEEDINGS

JOURNAL 191

MAY 13, 2008

PAGE 488

MAPC heard this request on April 10, 2008, and DAB VI heard this request on April 7, 2008. Both bodies approved unanimously; no one spoke against the request at the public hearings and no protest petitions were filed.

Promote Economic Vitality.

The ordinance has been reviewed and approved as to form by the Law Department.

Motion--  
--carried

Brewer moved that the zone change be approved and the zone change ordinance be published.  
Motion carried 7 to 0.

## ORDINANCE

An ordinance changing the zoning classifications or districts of certain lands located in the city of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by section 28.04.010, as amended. Introduced and under the rules laid over.

SUB2007-98

### **SUB 2007-98-PLAT OF MIKE STEVEN MOTORS ADDITION LOCATED WEST OF ROCK ROAD AND ON THE SOUTH SIDE OF KELLOGG. (DISTRICT II)**

Agenda Item No. 16.

**Staff Recommendation:** Approve the plat.

**MAPC Recommendation:** Approve the plat. (11-0)

This site, consisting of one lot on 7.51 acres, is a replat of the Chrysler Addition, E.M. Steven's 3<sup>rd</sup> Addition and a portion of Keys 2<sup>nd</sup> Addition. This site is located within Wichita's city limits. A zone change (ZON 2007-54) from SF-5 Single-Family Residential to LC Limited Commercial has been approved for the southeastern corner of the site. The Mike Steven Motors Community Unit Plan (DP-308/CUP 2007-61) has also been approved for this site. A Notice of Community Unit Plan has been submitted identifying the approved CUP and its special conditions for development on this property.

Municipal services are available to serve the site. Temporary Easements (utility and drainage) have been submitted. Contingent Dedications for street right-of-way and 15-foot street drainage and utility easements have also been submitted. This site is located within the noise impact area of McConnell Air Force Base; therefore, a Restrictive Covenant and an Avigational Easement have been submitted. A Drive Approach Closure Certificate has been submitted.

The Metropolitan Area Planning Commission has approved the plat, subject to conditions. Publication of the Ordinance should be withheld until the plat is recorded with the Register of Deeds.

Ensure Efficient Infrastructure.

The Notice of Community Unit Plan, Temporary Easements, Contingent Dedications, Restrictive Covenant, Avigational Easement and Drive Approach Closure Certificate will be Recorded Deeds.

Motion--  
--carried

Brewer moved that the documents and plat be approved; the necessary signatures authorized; and first reading of the Ordinance approved. Motion carried 7 to 0.

## ORDINANCE

An ordinance changing the zoning classifications or districts of certain lands located in the city of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick county unified zoning code, section v-c, as adopted by section 28.04.010, as amended. Introduced and under the rules

# CITY COUNCIL PROCEEDINGS

JOURNAL 191

MAY 13, 2008

PAGE 489

laid over.

A08-05R

**A08-05R-REQUEST BY JOHN PHILBRICK, OF THE PROPERTY MANAGEMENT DIVISION, AND DAVID WARREN, OF WICHITA WATER UTILITIES, ON BEHALF OF THE CITY OF WICHITA TO ANNEX LAND GENERALLY LOCATED NORTH OF 37TH STREET NORTH, BETWEEN 135TH STREET WEST AND 119TH STREET WEST. (DISTRICT V)**

Agenda Item No. 17.

The Property Management Division and Wichita Water Utilities, on behalf of the City of Wichita, are requesting to annex 8.02 acres of land generally located north of 37<sup>th</sup> Street North, between 135<sup>th</sup> Street West and 119<sup>th</sup> Street West. The annexation area abuts the City of Wichita to the north, east and west. This property is currently being leased, for it has a single residential unit. At this time, it is anticipated that the property will ultimately be incorporated into the Northwest Sewer Complex.

Land Use and Zoning: The proposed annexation consists of approximately 8.02 acres of property currently zoned "RR" Rural Residential. Upon annexation, the "RR" Rural Residential zoning will convert to "SF-5" Single-Family Residential. Property directly to the north, east and west is the Wichita Sewage Treatment Plant #3 and is zoned "SF-5" Single-Family Residential. Property to the south is primarily undeveloped, with only two residences and is zoned "RR" Rural Residential.

Public Services: The nearest water line is a 24" main located one mile south of the subject property along 29<sup>th</sup> Street North. There is a 14" sewer main along 135<sup>th</sup> Street West approximately ¼ mile west of the subject property.

Street System: 37<sup>th</sup> Street North, a dirt road, runs along the southern edge of the subject property. According to the 2008 Transportation Improvement Program, the construction of the Northwest Bypass is scheduled to begin in 2009, which is located ¼ mile north of the proposed annexation site; however, this project will most likely be delayed for several years due to the nationwide reduction of available federal funds. The City of Wichita Capital Improvement Program (CIP) 2007-2016 and the Sedgwick County Capital Improvement Program 2008-2012 do not call for street improvements near the proposed annexation site.

Public Safety: Fire protection is currently provided to the area on the basis of a first-responder agreement between the City and County, and that service will continue following annexation. Wichita will provide fire protection from Fire Station No. 16, located at 1632 North Tyler with an eleven (11) to twelve (12) minute response time. Upon annexation, police protection will be provided to the area by the Patrol West Bureau, of the Wichita Police Department, headquartered at 661 N. Elder.

Parks: The closest parks are located within the City of Colwich and the City of Maize. The closest City of Wichita Park is the North Ridge Village Addition, located 3 miles east of the subject property, is undeveloped and serves as a habitat for the Eastern Spotted Skunk. The West Meadows Park, a 1.5-acre park, is located approximately 3 miles southeast of the subject property and contains a children's play area, a basketball/multi-use court, and a tennis court. The Sunset Park, a 19-acre park, is located 4 miles southeast of the subject property and contains a softball diamond, two tennis courts, a children's play area, a soccer field, a parking area and two drinking fountains. According to the 1996 Parks and Open Space Master Plan, a potential pathway has been identified that would run east and north of the annexation area. The proposed pathway improvements are not currently funded in the Capital Improvement Program.

School District: The annexation property is part of the Unified School District 267 (Renwick School District). Annexation will not change the school district.

# CITY COUNCIL PROCEEDINGS

JOURNAL 191

MAY 13, 2008

PAGE 490

Comprehensive Plan: The proposed annexation is consistent with the Wichita-Sedgwick County Comprehensive Plan. The annexation property falls within the 2030 Wichita Urban Growth Area, as shown in the Plan.

The current approximate appraised value of the proposed annexation lands, according to County records, is \$172,640 with a total assessed value of \$19,853. Using the current City levy (\$31.979/\$1000 x assessed valuation), this roughly yields \$635 in City annual tax revenues for the property. The future assessed value of this property will depend on the type and timing of any other developments on the proposed annexation property and the current mill levy. This property is currently being leased, for it has a single residential unit. At this time, it is anticipated that the property will ultimately be incorporated into the Northwest Sewer Complex.

Approving the annexation request would impact Wichita's goal to ensure efficient infrastructure, for annexation of this property would assist the City in satisfying the demand for new infrastructure needed to support growth and development.

The property is eligible for annexation under K.S.A. 12-519, *et seq.*

Motion--  
--carried

Brewer moved that the annexation request be approved; the ordinance placed on first reading; and the necessary signatures authorized. Motion carried 7 to 0.

## ORDINANCE

An ordinance including and incorporating certain blocks, parcels, pieces and tracts of land within the limits and boundaries of the city of Wichita, Kansas. Introduced and under the rules laid over. (A08-05)

A08-06R

**A08-06R-REQUEST BY JOHN PHILBRICK, OF THE PROPERTY MANAGEMENT DIVISION, AND DOUG KUPPER, OF THE PARK AND RECREATION DEPARTMENT, ON BEHALF OF THE CITY OF WICHITA TO ANNEX LAND GENERALLY LOCATED NORTH OF US-54/KELLOGG, BETWEEN 135TH STREET WEST AND 119TH STREET WEST. (DISTRICT V)**

Agenda Item No. 18.

The Property Management Division and the Park and Recreation Department, on behalf of the City of Wichita, are requesting to annex 5.17 acres of land generally located north of US-54/Kellogg, between 135th Street West and 119th Street West. The annexation area abuts the City of Wichita to the north and east. This property is a part of the Auburn Hills Golf Course.

Land Use and Zoning: The proposed annexation consists of approximately 5.17 acres of property currently zoned "SF-20" Single-Family Residential. Upon annexation, the "SF-20" Single-Family Residential zoning will convert to "SF-5" Single-Family Residential. Property directly to the north is developed with Maple Valley Addition and Auburn Hills 2nd, 8th and 10th Additions and is zoned "SF-5" Single-Family Residential. Property to the east is the continuation of the Auburn Hills Golf Course and is zoned "SF-5" Single-Family Residential. Property to the south and west is primarily undeveloped and is zoned "SF-20" Single-Family Residential.

Public Services: The nearest water lines are a series of 8" lines located in the Maple Valley Addition and the Auburn Hills 2nd, 8th and 10th Additions to the north of the subject property. There is also a 12" sewer line that runs through the subject property.

Street System: This property is a part of the Auburn Hills Golf Course; therefore, it is not served by any roads at this time.

Public Safety: Fire protection is currently provided to the area on the basis of a first-responder

# CITY COUNCIL PROCEEDINGS

JOURNAL 191

MAY 13, 2008

PAGE 491

agreement between the City and County, and that service will continue following annexation. Wichita will provide fire protection from Fire Station No. 17, located at 10651 W. Maple, with a five (5) to six (6) minute response time. Upon annexation, police protection will be provided to the area by the Patrol West Bureau, of the Wichita Police Department, headquartered at 661 N. Elder.

Parks: The subject property is a portion of the Auburn Hills Golf Course, a 158-acre park, which is an 18-hole championship golf course. According to the 1996 Parks and Open Space Master Plan, a potential pathway has been identified that would run along the south edge of the annexation area. The proposed pathway improvements are not currently funded in the Capital Improvement Program.

School District: The annexation property is part of the Unified School District 265 (Goddard School District). Annexation will not change the school district.

Comprehensive Plan: The proposed annexation is consistent with the Wichita-Sedgwick County Comprehensive Plan. The annexation property falls within the 2030 Wichita Urban Growth Area, as shown in the Plan.

The current approximate appraised value of the proposed annexation lands, according to County records, is \$29,300 and since it is a city-owned property, it is tax-exempt. This property will remain as a portion of the Auburn Hills Golf Course.

Approving the annexation request would impact Wichita's goal to ensure efficient infrastructure, for annexation of this property would assist the City in satisfying the demand for new infrastructure needed to support growth and development.

The property is eligible for annexation under K.S.A. 12-519, et seq.

Motion--  
--carried

Brewer moved that the annexation request be approved; the ordinance placed on first reading and the necessary signatures authorized. Motion carried 7 to 0.

## ORDINANCE

An ordinance including and incorporating certain blocks, parcels, pieces and tracts of land within the limits and boundaries of the city of Wichita, Kansas. Introduced and under the rules laid over. (A08-06)

(ITEM 19)  
A08-07R

### **A08-07R-REQUEST BY JOHN PHILBRICK, ON BEHALF OF THE CITY OF WICHITA, TO ANNEX LAND GENERALLY LOCATED NORTH OF 55TH STREET SOUTH, BETWEEN CLIFTON AVENUE AND SOUTHEAST BOULEVARD. (DISTRICT III)**

Agenda Item No. 19.

The Property Management Division, on behalf of the City of Wichita, is requesting to annex 5.37 acres of land generally located north of 55th Street South, between Clifton Avenue and Southeast Boulevard. The annexation area abuts the City of Wichita to the south and east. Its anticipated use is undetermined at this time.

Land Use and Zoning: The proposed annexation consists of approximately 5.37 acres of property currently zoned "IP-A" Industrial Park – Airport. Upon annexation, the zoning will remain the same. Property directly to the north is undeveloped and is zoned "LI" Limited Industrial. Property to the east and south is undeveloped and is zoned "IP-A" Industrial Park-Airport. Property to the west is developed with the Pinaire Mobile Home Park Addition and is zoned "SF-5" Single-Family Residential.

Public Services: The nearest water line is a 12" line located in Clifton, coming south from Oaklawn and ending adjacent to the west edge of the subject property. There is also another 12" water line located in

# CITY COUNCIL PROCEEDINGS

JOURNAL 191

MAY 13, 2008

PAGE 492

Clifton, just south of the subject property, adjacent to the Meadowlake Beach Addition. There is also a 24" sewer main in Clifton that runs along the west edge of the subject property.

Street System: Clifton Avenue, a two-lane paved road, runs along the west edge of the subject property. The 2008 Transportation Improvement Program, the City of Wichita Capital Improvement Program (CIP) 2007-2016 and the Sedgwick County Capital Improvement Program 2008-2012 do not call for street improvements near the proposed annexation site.

Public Safety: Fire protection is currently provided to the area on the basis of a first-responder agreement between the City and County, and that service will continue following annexation. Wichita will provide fire protection from Fire Station No. 19, located at 4440 South Broadway with a seven (7) to eight (8) minute response time. Upon annexation, police protection will be provided to the area by the Patrol South Bureau, of the Wichita Police Department, headquartered at 211 E. Pawnee.

Parks: Emery Park, a 30-acre park, is located approximately 2 miles to the northwest of the proposed annexation site and contains two tennis courts, a BMX track, a concession stand, a basketball court, a children's play area, a restroom, a drinking fountain and a parking area. Chapin Park, a 190-acre park, is located approximately 2 1/2 miles to the northwest from the proposed annexation site and is currently open space that is used by the Radio Control Club for model airplane flying. Palisade Park, a 5-acre park, is located approximately 2 miles to the west of the subject property and is an open space neighborhood park. South Lakes Park, a 250-acre park, is approximately 2 1/2 miles to the west of the proposed site and contains 16 soccer fields, 8 softball diamonds, 1 football field, 3 concession stands, 4 fishing lakes and 2 parking areas. In addition, the South Arkansas River Greenway, a 158-acre park, is approximately 2 miles to the south of the subject property and is undeveloped parkland along the Arkansas River. In addition, land has been donated to the City just south of the subject property, of which could potentially be developed into a future park, although this is undetermined at this time. Alternatively, according to the 1996 Parks and Open Space Master Plan, a potential future park site has been proposed just west of the subject property.

School District: The annexation property is part of the Unified School District 260 (Derby School District). Annexation will not change the school district.

Comprehensive Plan: The proposed annexation is consistent with the Wichita-Sedgwick County Comprehensive Plan. The annexation property falls within the 2030 Wichita Urban Growth Area, as shown in the Plan.

The current approximate appraised value of the proposed annexation lands, according to County records, is \$19,330 with a total assessed value of \$2,319. Using the current City levy (\$31.979/\$1000 x assessed valuation), this roughly yields \$74 in City annual tax revenues for the property. The future assessed value of this property will depend on the type and timing of any other developments on the proposed annexation property and the current mill levy. At this time, the anticipated use of the property is undetermined.

Approving the annexation request would impact Wichita's goal to ensure efficient infrastructure, for annexation of this property would assist the City in satisfying the demand for new infrastructure needed to support growth and development.

The property is eligible for annexation under K.S.A. 12-519, et seq.

Council Member Skelton Council Member Skelton stated this is an annexation of 5.37 acres and his concerns is that the Council just did several annexations and saw all of them except this one had a proposed use for it and asked where did we get this land, why is the City requesting it, why do we not know what we are going to do with it when we are going to annex it, and where is that in relation to the 105 acres that Jay Russell donated and is it part of that donation.

John Schlegel

Planning Director stated his understanding is that this is part of that larger tract that was donated to the City and cannot answer the question about why the remaining portion of that has not been included in

# CITY COUNCIL PROCEEDINGS

JOURNAL 191

MAY 13, 2008

PAGE 493

this annexation petition.

Motion--

Skelton moved to defer item 19 for one week.

Council Member Gray

Council Member Gray stated he would like to make sure that this item is not a time sensitive item.

# CITY COUNCIL PROCEEDINGS

JOURNAL 191

MAY 13, 2008

PAGE 494

John Schlegel

Planning Director stated he does not think there is any time sensitivity here and does not think it would hurt to defer this a week.

--carried

Motion carried 7 to 0.

## ORDINANCE

An ordinance including and incorporating certain blocks, parcels, pieces and tracts of land within the limits and boundaries of the city of Wichita, Kansas. Introduced and under the rules laid over. (A08-07)

**A08-08R**

**A08-08R-REQUEST BY JOHN PHILBRICK, ON BEHALF OF THE CITY OF WICHITA, TO ANNEX LAND GENERALLY LOCATED EAST OF ROCK ROAD, BETWEEN 39TH STREET SOUTH AND 31ST STREET SOUTH. (DISTRICT II)**

Agenda Item No. 20.

The Property Management Division, on behalf of the City of Wichita, is requesting to annex 49.9 acres of land generally located east of Rock Road, between 39th Street South and 31st Street South. The proposed annexation area is the eastern portion of the Rocky Ford Industrial Park that was donated to the City, but it does not abut the city limits at this time. It is anticipated that this site could potentially be developed into a future park.

**Land Use and Zoning:** The proposed annexation consists of approximately 49.9 acres of property currently zoned "IP" Industrial Park. This property's zoning will not change upon annexation. Property directly to the north, east and south is primarily undeveloped with a few farmsteads and is zoned "SF-20" Single-Family Residential. Property to the west is primarily undeveloped and is zoned "LC" Limited Commercial.

**Public Services:** The nearest water line is a 12" main located in Rock Road, approximately ¾ mile north of the subject property. There is also a 10" sewer line also located in Rock Road, approximately ¾ mile north of the subject property.

**Street System:** Rock Road, a four-lane paved road, is the closest arterial road west of the subject property. The Sedgwick County Capital Improvement Program 2008-2012 has scheduled, for 2010, stormwater and shoulder improvements, north of the subject property, along Rock Road from the McConnell AFB Gate to 31st Street South. The 2008 Transportation Improvement Program and the City of Wichita Capital Improvement Program (CIP) 2007-2016 do not call for street improvements near the proposed annexation site.

**Public Safety:** Fire protection is currently provided to the area on the basis of a first-responder agreement between the City and County, and that service will continue following annexation. Wichita will provide fire protection from Fire Station No. 15, located at 7923 E. Lincoln, with a seven (7) to eight (8) minute response time. Upon annexation, police protection will be provided to the area by the Patrol East Bureau, of the Wichita Police Department, headquartered at 350 S. Edgemoor.

**Parks:** Towne Park, a 4.34-acre park, is located approximately ½ mile to the north of the proposed annexation site and contains a pond with a dock, a children's play area and a paved exercise/fitness trail. Planeview Park, a 109-acre park, is located approximately 2 miles to the northwest from the proposed annexation site and contains three model airplane flying areas, a soap box derby track, a concession building with restroom, a baseball diamond, four softball diamonds, one basketball/multi-purpose court, four tennis courts, four soccer fields, five parking areas, three drinking fountains, three children's play areas, a bike path, a sand box and four benches. Cessna Park East, a 23-acre park, is approximately 2 miles to the northwest of the proposed site and contains two softball diamonds, two tennis courts, one basketball/multi-purpose court, an open shelter, three parking areas, two drinking fountains, a children's play area and a bike path. Cessna Park West, a 14-acre park, is approximately 2 miles to the northwest of the subject property and contains an open shelter, restrooms, a parking area,



# CITY COUNCIL PROCEEDINGS

JOURNAL 191

MAY 13, 2008

PAGE 495

charcoal grills and a bike path.

School District: The annexation property is part of the Unified School District 260 (Derby School District). Annexation will not change the school district.

Comprehensive Plan: The proposed annexation is consistent with the Wichita-Sedgwick County Comprehensive Plan. The annexation property falls within the 2030 Wichita Urban Growth Area, as shown in the Plan.

The current approximate appraised value of the proposed annexation lands, according to County records, is \$2,740 with a total assessed value of \$822. Using the current City levy (\$31.979/\$1000 x assessed valuation), this roughly yields \$26 in City annual tax revenues for the property. The future assessed value of this property will depend on the type and timing of any other developments on the proposed annexation property and the current mill levy. At this time, the anticipated use of the property may be a park, but this is undetermined at this time.

Approving the annexation request would impact Wichita's goal to ensure efficient infrastructure, for annexation of this property would assist the City in satisfying the demand for new infrastructure needed to support growth and development.

The property is eligible for annexation under K.S.A. 12-519, et seq.

Motion--  
--carried

Brewer moved that the annexation request be approved; the ordinance placed on first reading; and the necessary signatures authorized. Motion carried 7 to 0.

## ORDINANCE

An ordinance including and incorporating certain blocks, parcels, pieces and tracts of land within the limits and boundaries of the city of Wichita, Kansas. Introduced and under the rules laid over. (A08-08)

A08-09R

### **A08-09R-REQUEST BY ALAN S. GIRRENS TO ANNEX LAND GENERALLY LOCATED WEST OF 119TH STREET WEST, BETWEEN PAWNEE AVENUE AND 31ST STREET SOUTH. (DISTRICT IV)**

Agenda Item No. 21.

The City received a request to annex 5.4 acres of land generally located west of 119th Street West, between Pawnee Avenue and 31st Street South. The annexation area abuts the City of Wichita to the north. The property owner anticipates that the proposed property will be redeveloped within the next ten years with commercial uses as proposed in the Girrens Commercial Community Unit Plan (CUP). A plat will be submitted to the Wichita-Sedgwick County Metropolitan Area Planning Department within one year.

Land Use and Zoning: The proposed annexation consists of approximately 5.4 acres of property currently zoned "SF-20" Single-Family Residential. Upon annexation, the "SF-20" Single-Family Residential zoning will convert to "SF-5" Single-Family Residential. The applicant is requesting a "GC" General Commercial zone change for the proposed annexation site. Property directly to the north is also included in the proposed CUP and is currently zoned "SF-5" Single-Family Residential. In addition, the applicant is requesting a "GO" General Office zone change for the property to the north of the proposed annexation site. Property to the east south and west is primarily undeveloped and is zoned "SF-20" Single-Family Residential.

Public Services: The nearest water line is a 16" main located in 119th Street West, approximately ¼ mile north of the subject property. There are also 8" sewer lines that serve the Turkey Creek 2nd Addition and the Flat Creek Addition located approximately ¼ mile north of the subject property.

# CITY COUNCIL PROCEEDINGS

JOURNAL 191

MAY 13, 2008

PAGE 496

Street System: 119th Street West, a two-lane paved road, runs along the east edge of the subject property. The Sedgwick County Capital Improvement Program 2008-2012 and the 2008 Transportation Improvement Program do not call for street improvements near the proposed annexation site. The City of Wichita Capital Improvement Program (CIP) 2007-2016 has scheduled improvements for 119th Street West, north of Pawnee in 2011.

Public Safety: Fire protection is currently provided to the area on the basis of a first-responder agreement between the City and County, and that service will continue following annexation. Wichita will provide fire protection from Fire Station No. 17, located at 10651 W. Maple, with a seven (7) to eight (8) minute response time. Upon annexation, police protection will be provided to the area by the Patrol West Bureau, of the Wichita Police Department, headquartered at 661 N. Elder.

Parks: The Pawnee Prairie Park, a 625-acre park, is located approximately 1 ½ miles to the east of the proposed annexation site and contains a five-mile bridle trail, an eight-mile nature trail, a municipal golf course, a nature center and parking areas that accommodate horse trailers. In addition, Air Capital Memorial Park, a ten-acre park, is adjoining Pawnee Prairie Park to the north. Meadow Park, a 51-acre park, and the Auburn Hills Golf Course, a 158-acre, 18-hole championship golf course is located approximately 1 ½ miles north of the subject property. West Millbrook Park, a 25.6-acre park, is located next to Meadow Park, located approximately 1 ½ miles north of the subject property and contains a softball diamond, a children's play area, a picnic table and an open shelter.

School District: The annexation property is part of the Unified School District 265 (Goddard School District). Annexation will not change the school district.

Comprehensive Plan: The proposed annexation is consistent with the Wichita-Sedgwick County Comprehensive Plan. The annexation property falls within the 2030 Wichita Urban Growth Area, as shown in the Plan.

The current approximate appraised value of the proposed annexation lands, according to County records, is \$95,550 with a total assessed value of \$10,988. Using the current City levy (\$31.979/\$1000 x assessed valuation), this roughly yields \$351 in City annual tax revenues for the property. The future assessed value of this property will depend on the type and timing of any other developments on the proposed annexation property and the current mill levy. The total appraised value of this development after completion is undetermined at this time.

Approving the annexation request would impact Wichita's goal to ensure efficient infrastructure, for annexation of this property would assist the City in satisfying the demand for new infrastructure needed to support growth and development.

The property is eligible for annexation under K.S.A. 12-519, et seq.

Motion--  
--carried

Brewer moved that the annexation request be approved; the ordinance placed on first reading; and the necessary signatures authorized. Motion carried 7 to 0.

## ORDINANCE

An ordinance including and incorporating certain blocks, parcels, pieces and tracts of land within the limits and boundaries of the city of Wichita, Kansas. Introduced and under the rules laid over. (A08-09)

## COUNCIL MEMBER APPOINTMENTS

There were no appointments to be made.

# CITY COUNCIL PROCEEDINGS

JOURNAL 191

MAY 13, 2008

PAGE 497

## CONSENT AGENDA

Council Member Skelton Council Member Skelton stated he has a question for item 26a.

Motion-- Brewer moved that consent agenda items 23 through 39h, with the exception of item 26a, be approved  
--carried in accordance with the recommended action shown thereon. Motion carried 7 to 0.

## **BOARD OF BIDS**

### **REPORT OF BOARD OF BIDS AND CONTRACTS, DATED APRIL 28, MAY 5, AND MAY 12, 2008.**

Bids were opened April 25, 2008, and May 2, 2008, and May 9, 2008 pursuant to advertisements published on:

**PUBLIC WORKS DEPARTMENT/ENGINEERING DIVISION: Sewers, Paving and Water Mains as per specifications.**

Lateral 11, Main 4 Northwest Interceptor Sewer to serve Silverton Addition (north of 13th Street North, west of 135th Street West) (468-84244/744278/480967) Does not affect existing traffic. (District V)

Duling Construction - \$122,618.00

Lateral 12, Main 4 Northwest Interceptor Sewer to serve Silverton Addition (north of 13th Street North, west of 135th Street West) (468-84245/744279/480968) Does not affect existing traffic. (District V)

Duling Construction - \$148,405.00

Water Distribution System to serve Johnson Commercial Centre and Northgate Commercial Park First Addition (along 53rd Street North, west of Meridian) (448-90281/735417/470090) Does not affect existing traffic. (District VI)

Mies Construction - \$75,365.00

Lateral 1, Main 21 Four Mile Creek Sewer to serve Cambria Addition (north of Pawnee, east of 143rd Street East) (468-84480/744271/480960) Does not affect existing traffic. (District II)

Utility Contractors - \$230,786.00

Water Distribution System to serve Mesa Verde Addition (south of 37th Street North, east of Meridian) (448-90261/735419/470092) Does not affect existing traffic. (District VI)

Mies Construction - \$17,495.00

Toben Street and 40th Street North from 39th Street North to Webb Road to serve Webb Business Park Addition (north of 37th Street North, west of Webb) (472-84611/766197/490215) Does not affect existing traffic. (District II)

Cornejo & Sons Construction - \$571,150.91

Water Distribution System to serve Power CDC Addition (north of 26th Street North, west of Grove) (448-89823/735387/470060) Traffic shall be maintained during construction using flagpersons and barricades. (District VI)

# CITY COUNCIL PROCEEDINGS

JOURNAL 191

MAY 13, 2008

PAGE 498

Mies Construction - \$31,265.00

Cherry Creek Court from the east line of Cherry Creek in Sierra Hills to and including cul-de-sac; Cherry Creek Court from the north line of Cherry Creek in Sierra Hills to and including cul-de-sac; and Cherry Creek Court from the north line of Cherry Creek in Sierra Hills to and including the Cul-de-sac the north line of Sierra Hills Addition to serve Sierra Hills Addition (east of 127th Street East, north of Pawnee) (472-84690/766204/490222) Traffic shall be maintained during construction using flagpersons and barricades. (District II)

Cornejo & Sons Construction - \$168,249.30

Storm Water Sewer #625 to serve Mesa Verde Addition south of 37th Street North, east of Meridian (472-84286/751475/485366) Traffic to be maintained during construction using flagpersons and barricades. (District VI)

Mies Construction - \$31,248.00

Water Distribution System to serve The Woods Addition east of 151st Street East, north of Maple (448-90163/735400/470073) Does not affect existing traffic. (District V)

Nowak Construction - \$82,313.50

Wheatland, from the south line of the plat, north to the north line of Lot 119, Block A, on Blake, from the west line of Wheatland, west to the west line of Lot 17, Block B, and on Limuel from the north line of Blake, north to the north line of Lot 16, Block G and on Wheatland Ct. from the east line of Wheatland east and south to and including the cul-de-sac, on Limuel Cir. from the south line of Blake, south to and including the cul-de-sac, and on Limuel Ct. from the east line of Limuel, east to and including the cul-de-sac and that sidewalk be constructed along one side of Wheatland, Blake and Limuel to serve Turkey Creek 3rd Addition, north of Pawnee, east of 135th Street West (472-84486/766212/490230) Traffic to be maintained during construction using flagpersons and barricades. (District IV)

Cornejo & Sons Construction - \$597,359.20

Motion--

--carried

Brewer moved that the contracts be awarded as outlined above, subject to check, same being the lowest and best bid within the Engineer's construction estimate, and the necessary signatures be authorized. Motion carried 7 to 0.

PUBLIC WORKS DEPARTMENT/FLEET MAINTENANCE DIVISION: Flex Wing Rotary Mowers

Wichita Tractor Co. - \$13,670.00 Group 1  
- \$79,696.00 Group 2

PUBLIC WORKS DEPARTMENT/BUILDING SERVICES DIVISION: Harvest Pool House Fire Damage Repair

Robl Commercial Construction, Inc. - \$47,500.00

PARK DEPARTMENT/GOLF DIVISION: Fertilizers, fungicides, herbicides \*

		Group 1 Bids rejected
Grass Pad	-	Group 2, 3, 4, 5, 6
Van Diest Supply Co.	-	Group 7
Supreme Turf Products, Inc.	-	Group 8, 9
Van Diest Supply Co.	-	Group 10, 11
Helena Chemical Co.	-	Group 12, 13

# CITY COUNCIL PROCEEDINGS

JOURNAL 191

MAY 13, 2008

PAGE 499

Van Diest Supply Co.	-	Group 14, 15, 16
Grass Pad	-	Group 17
Lesco, Inc.	-	Group 18
Van Diest Supply Co.	-	Group 19
Helena Chemical Co.	-	Group 20, 21
Van Diest Supply Co.	-	Group 22, 23, 24, 25, 26
Lesco, Inc.	-	Group 27
Van Diest Supply Co.	-	Group 28
Helena Chemical Co.	-	Group 29
Van Diest Supply Co.	-	Group 30

\*Refer to attachment for Group Costs.

PUBLIC WORKS DEPARTMENT/FLEET MAINTENANCE DIVISION: Rubber Tire Tractor Front Loader Backhoe

Prairieland Partners, Inc. - \$ 164,463.80 Base Bid and Option 1 \*  
Additional Units - \$ 32,197.76 Base Bid Each  
\$ 695.00 Option 1 Each

WATER UTILITIES DEPARTMENT/SEWAGE TREATMENT DIVISION: Pressing Zone Screw and Pressing Zone Screen

Parkson Corp. Screw #1002285 - \$24,396.00  
Screen #0002503 - \$14,766.00  
\$39,162.00 Total (Plus Freight)\*

\*Purchases utilizing Sole Source of Supply Ordinance No. 35-856, Section 2.(b)

PARKS AND RECREATION DEPARTMENT/GOLF DIVISION: Roof Replacement Auburn Hills Golf Course.

Larry Booze Roofing Inc - \$32,234.22 Base Bid  
\$3.00 per square foot - Option 1  
\$1,788.00 Lump Sum - Option 2  
\$5.00 per linear foot - Option 3  
\$6.20 per linear foot - Option 4

WATER UTILITIES/WATER DISTRIBUTION: Trailer Mounted Air Compressors.

Victor L Phillips Company - \$29,282.00 Base Bid

WATER UTILITIES DEPARTMENT/SEWAGE TREATMENT DIVISION: Cowskin Creek Pump Station and Force Main.

Garney Companies Inc. - \$3,932,086.00

FIRE DEPARTMENT: Exercise Equipment.

Home Fitness - \$121,056.00

PUBLIC WORKS DEPARTMENT/FLEET MAINTENANCE DIVISION: Riding Front Deck Mowers.

Prairieland Partners\* - \$29,198.00

Motion--

Brewer moved that the contracts be awarded as outlined above, same being the lowest

# CITY COUNCIL PROCEEDINGS

JOURNAL 191

MAY 13, 2008

PAGE 500

--carried

and best bid, and the necessary signatures be authorized. Motion carried 7 to 0.

## CMBS

### APPLICATIONS FOR LICENSES TO RETAIL CEREAL MALT BEVERAGES:

<u>Renewal</u>	<u>2008</u>	<u>(Consumption off Premises)</u>
Charlie D. Nguyen	Charlie's Groceries Convenience	527 East Central
Huong V. Nguyen	Lucky Market	7100 East Harry Street

\*General/Restaurant - 50% or more of gross receipts derived from sale of food.

Motion--  
--carried

Brewer moved that the licenses be approved subject to Staff review and approval. Motion carried 7 to 0.

## PRELIM ESTS.

### PRELIMINARY ESTIMATES:

- a. Lateral 11, Main 4 Northwest Interceptor Sewer to serve Silverton Addition (north of 13th Street North, west of 135th Street West) (468-84244/744278/480967) Does not affect existing traffic. (District V) - \$244,000.00
- b. Lateral 12, Main 4 Northwest Interceptor Sewer to serve Silverton Addition (north of 13th Street North, west of 135th Street West) (468-84245/744279/480968) Does not affect existing traffic. (District V) - \$286,000.00
- c. Storm Water Drain #345 to serve Cambria Addition (north of Pawnee, east of 143rd Street East) (468-84481/751466/485357) Does not affect existing traffic. (District II) - \$491,000.00
- d. Water Distribution System to serve Johnson Commercial Centre and Northgate Commercial Park First Addition (along 53rd Street North, west of Meridian) (448- 90281/735417/470090) Does not affect existing traffic. (District VI) - \$116,000.00
- e. The cost of construction of Water Distribution System to serve Turkey Creek 2nd Addition (north of Pawnee, west of 119th Street West). (District IV) (448-89959/735351/470-024) – Total Estimated Cost \$71,400.00
- f. The cost of construction of Lift Station, Main 1, Boeing Sanitary Sewer to serve Clifton Cove Addition (south of 63rd Street South, west of Clifton). (District III) (468-84022/744171/480-859) – Total Estimated Cost \$586,500.00
- g. The cost of Façade Improvement Program for Old Town Courtyard by Marriott at 820 and 900 East 2nd Street to serve H.L. and Annie M. Taylor's Addition (between Seneca and Washington) (472-84288/766016/491-017) (District VI). – Total Estimated Cost \$657,000.00
- h. The cost of construction of Lateral 39, Main 1 Cowskin Interceptor Sewer to serve Rainbow Lakes West Addition (south of Central, east of 119th Street West). (District V) (468-84168/744180/480-868) – Total Estimated Cost \$210,400.00

Motion--carried

Brewer moved to receive and file. Motion carried 7 to 0.

## (ITEM 26A) PETITION

### PAVE THE WEST HALF OF 159TH STREET EAST, FROM 3,000' SOUTH OF 29TH STREET NORTH TO 29TH STREET NORTH. (DISTRICT II)

Agenda Item No. 26a.

The Petition has been signed by one owner representing 100% of the improvement district.

159th Street east, south of 29th St. North, is the boundary line between Wichita and Butler County. The owner of property on the west side of 159th Street east has submitted a Petition to pave the west half of 159th Street east from 3,000' south of 29th to 29th Street. The project will not proceed until an

# CITY COUNCIL PROCEEDINGS

JOURNAL 191

MAY 13, 2008

PAGE 501

agreement has been established with Butler County or the City of Andover to pave the east half of the street.

The Petition totals \$125,000. The funding source is special assessments.

This project addresses the Efficient Infrastructure goal by provided for the future paving of a street required for new development.

State Statutes provide that a Petition is valid if signed by a majority of resident property owners or owners of a majority of property in the improvement district.

Council Member Skelton Council Member Skelton stated he would like to ask staff if we have an agreement with Butler County that we do half of the street and they do the other half and this is not preceding until this is all done.

Chris Carrier Public Works Director stated that is what he understands.

Motion-- Skelton moved that the Petition be approved; the Resolution adopted; and the necessary signatures  
--carried authorized. Motion carried 7 to 0.

## RESOLUTION NO. 08-257

A Resolution of findings of advisability and resolution authorizing constructing asphalt mat paving on the west half of 159th Street East from 29th Street North to a point 3000' south (North of 21st, West of 159th St. East) 472-84717 in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Skelton moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Fearey, Gray, Schlapp, Skelton, Longwell, Williams and Brewer.

## PETITION

### **CONSTRUCT SANITARY SEWER AND WATER IMPROVEMENTS TO SERVE PART OF GATEWAY CENTER SECOND ADDITION, SOUTH OF 13TH STREET, EAST OF GREENWICH. (DISTRICT II)**

Agenda Item No. 26b.

The Petitions have been signed by one owner representing 100% of the improvement districts.

The projects will provide sanitary sewer and water improvements within a commercial development located south of 13th, east of Greenwich.

The Petitions total \$36,500. The funding source is special assessments.

These projects address the Efficient Infrastructure goal by providing for the construction of sanitary sewer and water improvements in a new subdivision.

State Statutes provide that a Petition is valid if signed by a majority of resident property owners or by owners of the majority of property in the improvement district.

Motion-- Brewer moved that the Petitions be approved; the Resolutions adopted; and the necessary signatures  
--carried authorized. Motion carried 7 to 0.

## RESOLUTION NO. 08-258

A Resolution of findings of advisability and resolution authorizing construction of Water Distribution System Number 448-90384 (south of 13th, east of Greenwich) in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Brewer moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Fearey, Gray, Schlapp, Skelton, Longwell, Williams and Brewer.

# CITY COUNCIL PROCEEDINGS

JOURNAL 191

MAY 13, 2008

PAGE 502

## RESOLUTION NO. 08-259

A Resolution of findings of advisability and resolution authorizing construction of Lateral 413, Four Mile Creek Sewer (south of 13th, east of Greenwich) 468-84512 in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Brewer moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Fearey, Gray, Schlapp, Skelton, Longwell, Williams and Brewer.

### STMNT OF COSTS

### STATEMENT OF COSTS:

- a. 29th Street North from Tyler Road to Ridge Road (Design). Total Cost - \$148,035.53; (plus temporary note financing - \$1,155.50; plus idle fund interest - \$908.97; - less KDOT reimbursements - \$0; less financing from interfund transfers - \$61,000.00; less transfers in - \$82,000.00; less financing previously issued - \$0). Financing to be issued at this time - \$7,100.00. (706856/472-83751/203-322).
- b. Rock Road from 21st to 29th Street North (Construction). Total Cost - \$1,930,297.74; (plus temporary note financing - \$1,500.82; plus idle fund interest - \$6,455.17; - less KDOT reimbursements - \$1,290,553.73; less financing from interfund transfers - \$492,000.00; less transfers in - \$123,000.00; less financing previously issued - \$0). Financing to be issued at this time - \$32,700.00. (706874/472-83889/204-340).
- c. 119th Street West from 17th Street North to 21st Street North (Construction). Total Cost - \$895,881.35; (plus temporary note financing - \$5,148.68; less idle fund interest - \$1,550.04; - less KDOT reimbursements - \$664,579.99; less financing from interfund transfers - \$200,000.00; less transfers in - \$23,500.00; less financing previously issued - \$0). Financing to be issued at this time - \$11,400.00. (706875/472-83890/204-341).
- d. MacArthur from Meridian to Seneca (Design). Total Cost - \$204,177.61; (plus temporary note financing - \$3,089.82; plus idle fund interest - \$2,732.57; - less KDOT reimbursements - \$0; less financing from interfund transfers - \$0; less transfers in - \$177,200.00; less financing previously issued - \$0). Financing to be issued at this time - \$32,800.00. (706896/472-83996/204-362).
- e. Infrastructure improvements for The Boys and Girls Club site (Construction and Design). Total Cost - \$996,303.40; (plus temporary note financing - \$16,322.09; plus idle fund interest - \$4,957.81; - less KDOT reimbursements - \$0; less reimbursements - \$27,183.30; less transfers in - \$820,800.00; less financing previously issued - \$0). Financing to be issued at this time - \$169,600.00. (706930/472-84282/205-396).
- f. 55th Street South and Broadway Intersection (Design). Total Cost - \$78,709.52; (plus temporary note financing - \$986.24; plus idle fund interest - \$1,504.24; - less KDOT reimbursements - \$0; less financing from interfund transfers - \$0; less transfers in - \$42,700.00; less financing previously issued - \$0). Financing to be issued at this time - \$38,500.00. (706936/472-84305/205-402).
- g. Central and Oliver Intersection (Construction). Total Cost - \$1,310,529.44; (plus temporary note financing - \$12,570.06; plus idle fund interest - \$23,799.96; - less KDOT reimbursements - \$0; less financing from interfund transfers - \$0; less transfers in - \$198,300.00; less financing previously issued - \$0). Financing to be issued at this time - \$1,148,600.00. (706950/472-84362/206-416).
- h. 21st Street Bridge at the Arkansas River (Design). Total Cost - \$41,574.49; (plus temporary note financing - \$525.13; plus idle fund interest - \$700.38; - less KDOT reimbursements - \$0; less financing from interfund transfers - \$0; less transfers in - \$15,000.00; less financing previously issued - \$0). Financing to be issued at this time - \$27,800.00. (715700/472-84019/244-116).
- i. Hillside Bridge at Range Road (Design). Total Cost - \$37,850.77; (plus temporary note financing - \$266.81; less idle fund interest - \$82.42; - less KDOT reimbursements - \$0; less financing from inter fund transfers - \$0; less transfers in - \$20,000; less financing previously issued - \$0). Financing to be issued at this time - \$18,200.00. (715701/472-84000/244-117).

Motion--carried

Brewer moved to approve the file. Motion carried 7 to 0.



# CITY COUNCIL PROCEEDINGS

JOURNAL 191

MAY 13, 2008

PAGE 503

## WATERFRONT

### **AGREEMENT TO RESPREAD ASSESSMENTS: WATERFRONT RESIDENTIAL ADDITION, NORTH OF 13TH STREET NORTH, EAST OF GREENWICH. (DISTRICT II)**

Agenda Item No. 28a.

The landowner, Waterfront Residential Co., LLC, has not recorded the plat of the Waterfront Residential Addition, and will be unable to respread assessments as intended. The landowner wishes to cancel the agreement and resubmit at a later date.

The land was originally included in an improvement district for a sanitary sewer lateral project. The purpose of the Agreement was intended to respread special assessments on a fractional basis for each lot.

There is no cost to the City.

The City of Wichita aggressively uses special assessments to lower the cost of residential developments. In doing so, the City's program satisfies the City Council's goal to promote Economic Vitality and Affordable Living. The program supports this goal through partnering with stakeholders in the development community and sustains affordable living by lowering the costs of home ownership.

Law has determined cancellation is the appropriate way to accomplish what the landowner is now requesting.

Motion--  
--carried

Brewer moved that the Agreement be cancelled and the necessary signatures authorized. Motion carried 7 to 0.

## DOUGLAS/OLIVER

### **DESIGN SERVICES FOR THE INTERSECTION OF DOUGLAS AND OLIVER. (DISTRICT II) -SUPPLEMENTAL**

Agenda Item No.29a.

On May 6, 2003, the City entered into an Agreement with K.E. Miller Engineering, P.A. to design improvements to the intersection of Douglas & Oliver. The fee was \$42,000.

During the course of design, ornamental streetlights were requested by adjacent property owners in accordance with the East Douglas Design District committee, a special artist rendering of the proposed improvement was requested for presentation to adjacent property owners and additional concepts beyond the normal scope were drawn for presentation before a concept was found to be palatable to the neighborhood. A Supplemental Agreement has been prepared with K.E. Miller for the additional design services.

Payment to K.E. Miller will be on a lump sum basis of \$22,000 and will be paid by General Obligation Bonds.

This project addresses the Efficient Infrastructure goal by improving traffic flow through a major traffic corridor.

The Supplemental Agreement has been approved as to form by the Law Department.

Motion--  
--carried

Brewer moved that the Supplemental Agreement be approved and the necessary signatures authorized. Motion carried 7 to 0.

# CITY COUNCIL PROCEEDINGS

JOURNAL 191

MAY 13, 2008

PAGE 504

## CHANGE ORDER

### HESS ELECTRICAL IMPROVEMENTS.

Agenda Item No.30.

On November 20, 2007, the City Council approved a Contract with Shelley Electric, Inc. to construct electrical improvements to the Hess Pump Station

Hess Pump Station is a vital component of the City's water system. This project will replace three (3) of the pump station's eight (8) motors, replace two (2) variable speed drives and replace most of the electrical components in the pump station. Change Order No. 1 includes modifications to the cooling water piping to all eight motors and a change in the type of pressure-reducing valve to be used in the piping. Included will be the addition of a temporary circuit to facilitate operation of one of the pumps during the construction period.

The original Contract was for \$2,476,425. The modifications and pressure-reducing valve for the cooling water piping will increase the Contract by \$17,112 and the addition of the temporary circuit will add \$488. The Change Order will increase the Contract by \$17,600, or 0.7 percent to \$2,494,025. Funds are available for the project in CIP W-902, Hess Electrical Improvements.

The Change Order will ensure efficient infrastructure by providing reliable, compliant and secure utilities. The project helps assure that adequate water pressures are maintained in the distribution system.

City Council approval is required for Change Orders in excess of \$10,000. The Law Department has approved the Change Order as to form.

Motion--  
--carried

Brewer moved that the Change Order be approved and the necessary signatures authorized. Motion carried 7 to 0.

## BOARDS/COMMISS.

### MINUTES OF ADVISORY BOARDS/COMMISSIONS

District Advisory Board I, March 4, 2008  
Board of Electrical Appeals, April 8, 2008

Motion--carried

Brewer moved to receive and file. Motion carried 7 to 0.

## SENIOR EXPENSES

### SENIOR MANAGEMENT EXPENSES FOR APRIL 2008.

Motion--carried

Brewer moved to receive and file. Motion carried 7 to 0.

## CONTS/AGRMNTS

### APRIL 2008 MONTHLY CONTRACTS AND AGREEMENTS REPORT TO COUNCIL.

Motion--carried

Brewer moved to receive and file. Motion carried 7 to 0.

# CITY COUNCIL PROCEEDINGS

JOURNAL 191

MAY 13, 2008

PAGE 505

## ASSESS ROLLS

### PROPOSED ASSESSMENT ROLLS.

Proposed Assessment Roll has been prepared for one (1) sewer project and it is necessary to set a public hearing date. Notification of the public hearing regarding the proposed special assessment will be mailed to affected property owners on May 9, 2008.

Motion--  
--carried

Brewer moved that the hearing on the Proposed Assessment Roll be set for 9:30 a.m., Tuesday, May 20, 2008. Motion carried 7 to 0.

## ENCROACHMENT

### EASEMENT ENCROACHMENT AGREEMENT. (DISTRICT II)

Agenda Item No.35.

The Agreement allows Shelley and John Taylor at 918 North Stratford Road to occupy and construct, improvements on, over, and across a platted 8 foot utility easement described as the east 8-feet of Lot 3, Replat of Blk. S, 1<sup>st</sup> Addition to Woodlawn Village, hereinafter referred to as Tract "A" and waives all rights of action in law arising out of the encroachment into the easement. The improvement is a 14-foot by 24-foot permanent wood shed structure in above said easement. The Agreement allows the City to be held harmless from any and all claims resulting from leaking, cave-in or failure of said sewer line lying within Tract "A" and from claims resulting from replacement or upgrade of lines, manholes, and/or other Department property in the easement.

The Easement Encroachment Agreement is necessary to ensure efficient infrastructure by maintaining the sanitary sewer system in northeast Wichita.

There are no financial considerations.

The Law Department has reviewed the Easement Encroachment Agreement and approved it as to form.

Motion--  
--carried

Brewer moved that the Agreement be approved and the necessary signatures authorized. Motion carried 7 to 0.

## WATER MAIN

### 36-INCH WATER MAIN - 1ST STREET AND MCCOMAS TO DOUGLAS AND HOOVER. (DISTRICTS IV AND V)

Agenda Item No. 36.

Approve the budget increase for the 36-inch water main from 1<sup>st</sup> Street and McComas to Douglas and Hoover.

On December 20, 2005, the City Council approved the expenditure for a 36-inch water main to be constructed in Douglas from Hoover to Maple. On November 7, 2006, City Council approved a 36-inch water main to be constructed in 1<sup>st</sup> Street and McComas. The Water Master Plan identified both projects as necessary parts of a plan to ensure adequate service levels now and in the future.

On March 7, 2008, bids were opened for the construction of the 1<sup>st</sup> Street and McComas to Douglas and Hoover project. All of the bids were higher than the remaining project budget of \$1.1 million. A budget increase is required to successfully let the project and have adequate monies for engineering and inspection.

Capital Improvement Program project W-1191, 36-inch water main from 1<sup>st</sup> Street and McComas to Douglas and Hoover, has an initiated budget of \$1.5 million. Capital Improvement Program project W-1192, 36-inch water main in Douglas from Hoover to Maple, has an

# CITY COUNCIL PROCEEDINGS

JOURNAL 191

MAY 13, 2008

PAGE 506

initiated budget of \$1.1 million. Combining the initiated budgets from W-1191 and W-1192, and adding \$76,000 from the Street Maintenance Fund to cover paving expenses will allow the current project to be built within the construction estimates. The project will be funded from Water Utility revenues and reserves, and/or a future revenue bond issue. The remaining work that was planned as part of W-1192 will be accounted for in a future separate Capital Improvement Program project.

This project addresses the ensuring efficient infrastructure by providing reliable water service to Water Utilities' customers.

The Law Department has approved the Resolution as to form.

Motion--carried

Brewer moved that the budget increase be approved. Motion carried 7 to 0.

## RESOLUTION NO. 08-260

A Resolution amending Resolution No. 05-668 pertaining to the construction of a 36" water line in Douglas from Hoover to Maple Booster Station (W-1192) in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Brewer moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Fearey, Gray, Schlapp, Skelton, Longwell, Williams and Brewer.

## KDOT GRANT

### GRANT WITH THE KANSAS DEPARTMENT OF TRANSPORTATION.

Agenda Item No.37.

On May 10, 1999, Governor Bill Graves signed into law House Bill 2071, which provides for a new state Comprehensive Transportation Program (CTP). The CTP provides funding to address highway, shortline railroad, aviation and public transportation needs over the next ten years.

Under the provision of the CTP, the City of Wichita has been allotted \$1,085,375 for FY 2009 (July 1, 2008 through June 30, 2009), which may be used for capital or operating expenditures.

The KDOT grant application process requires official action by the governing body authorizing the filing of grant applications, execution of approved grants, and receiving funds to administer the grant's program. The purpose of this action is to authorize the City of Wichita - Wichita Transit to file for eligible state funds in support of the city's Transit services for capital purchases and operations. This action is similar to what the city filed for KDOT's FY 2008 funds last year.

A public hearing was held on May 12, 2008, at the Transit Operations Center to solicit public comment.

The grant will provide for continued KDOT-funded service enhancements, including enhanced midday fixed route operations, purchase of associated fuels, transit security program, and ADA paratransit support.

Funding from this grant will support transit's role in providing for an efficient and effective infrastructure, as well as quality of life objectives.

The \$1,085,375 funds are 100% grant supported and require no matching funds. There are no city funds involved in this project.

The city's Law Department will review the contract prior to execution as to form.

Motion--  
--carried

Brewer moved that the filing for the grant with KDOT be approved and the Mayor authorized to execute the contract. Motion carried 7 to 0.

# **CITY COUNCIL PROCEEDINGS**

**JOURNAL 191**

**MAY 13, 2008**

**PAGE 507**

# CITY COUNCIL PROCEEDINGS

JOURNAL 191

MAY 13, 2008

PAGE 508

## SIGNALIZATION

### TRAFFIC SIGNALIZATION PROGRAM. (DISTRICTS I, II, III, V, AND VI)

Agenda Item No.38.

The 2007-2016 Capital Improvement Program (CIP) includes an ongoing project to install traffic signals at major intersections.

The proposed locations for the 2008 program year are listed below in priority order:

21<sup>st</sup> & Greenleaf  
I-135 & Hydraulic (south interchange)  
29<sup>th</sup> & Ohio  
Pawnee & Webb  
135<sup>th</sup> St. West & Kellogg (to be installed with County/KDOT Project)  
Corporate Hills & Webb  
Oliver pedestrian crosswalk, between 17<sup>th</sup> and 21st

The budget contained in the CIP for 2008 is \$350,000. The funding source is General Obligation Bonds. It is doubtful that the budget is sufficient to install signals at all of the listed locations. Unfunded locations will carry over to the 2009 program and be reprioritized.

This project addresses the Ensure Efficient Infrastructure goal by improving traffic flow through busy intersections in the community

The Law Department has approved the authorizing Resolution as to legal form.

Motion--  
--carried

Brewer moved that the locations and the project be approved and the Resolution adopted. Motion carried 7 to 0.

#### RESOLUTION NO. 08-261

A Resolution finding it necessary to construct traffic signal systems at the intersections of 21st Street and Greenleaf; I-135 Freeway and Hydraulic; 29th Street North and Ohio; Pawnee and Webb; 135th Street West and Kellogg; corporate Hills and Webb and Oliver between 17th and 21st Streets North (2008 Traffic Signalization Program)(472-84720) and authorizing the issuance of bonds by the City of Wichita at Large, presented. Brewer moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Fearey, Gray, Schlapp, Skelton, Longwell, Williams and Brewer.

## ORDINANCES

### SECOND READING ORDINANCES: (FIRST READ MAY 6, 2008)

- a. Termination and Release of Additional Guaranty, Airtechnics, Inc. (District II)

#### ORDINANCE NO. 47-882

An ordinance of the city of Wichita, Kansas, authorizing execution and delivery of, and consenting to, a termination and release of guaranty by the Bank of New York trust company, N.A., St. Louis, Missouri, A National Banking Association, as trustee. Brewer moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0.

## CITY COUNCIL PROCEEDINGS

MAY 13, 2008

PAGE 509

- b. Ordinance Changes to the City of Wichita Plumbing Code. (Title 21.04)

## ORDINANCE NO. 47-883

An ordinance amending sections 21.04.020, 21.04.040 21.04.043, and 21.04.045, creating section 21.04.035 of the code of the city of Wichita, Kansas, pertaining to the plumbing and gas fitting code, and repealing the originals of Sections 21.04.020, 21.04.040 21.04.043, and 21.04.045, of the code of the city of Wichita. Brewer moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0.

- c. Ordinance Amendments, Sections 3.49.040 and 3.49.130 regarding Emergency Wrecker Services.

## ORDINANCE NO. 47-884

An ordinance amending sections 3.49.040, and 3.49.130 of the code of the city of Wichita, Kansas, pertaining to wrecker services and repealing the originals of said sections. Brewer moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0.

- d. Mt. Vernon Improvement, between the Arkansas River and Broadway. (District III)

## ORDINANCE NO. 47-885

An ordinance amending ordinance no. 47-510 of the city of Wichita, Kansas declaring Mt. Vernon, between Broadway and the Arkansas River (472-84289) to be a main trafficway within the city of Wichita Kansas; declaring the necessity of and authorizing certain improvements to said main trafficway; and setting forth the nature of said improvements, the estimated costs thereof, and the manner of payment of the same. Brewer moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0.

- e. ZON2008-00009-City Zone Change from LC Limited Commercial ("LC") to GC General Commercial ("GC") subject to a Protective Overlay, generally located on the west side of Arkansas Avenue, 1/2 block south of 29th Street North. (District VI)

## ORDINANCE NO. 47-886

An ordinance changing the zoning classifications or districts of certain lands located in the city of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by Section 28.04.010, as amended. Brewer moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0.

- f. SUB 2007-116-Plat of Lange Addition located on the east side of West Street and south of MacArthur Road. (District IV)

## ORDINANCE NO. 47-887

An ordinance changing the zoning classifications or districts of certain lands located in the city of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by Section 28.04.010, as amended. Brewer moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0.

# CITY COUNCIL PROCEEDINGS

JOURNAL 191

MAY 13, 2008

PAGE 510

- g. A08-04R-Request by Eugene Vitarelli, of Palladio Developers, Inc. to annex land generally located north of Pawnee Road, between 143rd Street East and 127th Street East. (District II)

## ORDINANCE NO. 47-888

An ordinance including and incorporating certain blocks, parcels, pieces and tracts of land within the limits and boundaries of the city of Wichita, Kansas. Brewer moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. (A08-04)

- h. 2008 Arterial Street and Bridge Design Contracts. (Districts II, IV, and V)

## ORDINANCE NO. 47-889

An ordinance declaring maize road, between Pawnee and Kellogg (472-84697) to be a main trafficway within the city of Wichita, Kansas; declaring the necessity of and authorizing certain improvements to said main trafficway; and setting forth the nature of said improvements, the estimated costs thereof, and the manner of payment of same. Brewer moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0.

## ORDINANCE NO. 47-890

An ordinance declaring the Lincoln Bridge at Armour (472-84703) to be a main trafficway within the city of Wichita, Kansas; declaring the necessity of and authorizing certain improvements to said main trafficway; and setting forth the nature of said improvements, the estimated costs thereof, and the manner of payment of same. Brewer moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0.

## ORDINANCE NO. 47-891

An ordinance declaring 37th St. north, between Tyler road and maize road (472-84693) to be a main trafficway within the city of Wichita, Kansas; declaring the necessity of and authorizing certain improvements to said main trafficway; and setting forth the nature of said improvements, the estimated costs thereof, and the manner of payment of same. Brewer moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0.

## RECESS

Motion--

Brewer moved that the City Council recess into Executive Session to consider: consultation with legal counsel on matters privileged in the attorney-client relationship relating to potential litigation, legal advice, contract negotiations, personnel matters of non-elected personnel, preliminary discussions relating to the acquisition of real property for public purposes, and confidential data relating to the financial affairs or trade secrets of a business and that the Council return from Executive Session no earlier than 12:-00 p.m. and reconvene in the City Council Chambers on the first floor of City Hall.

--carried

Motion carried 7 to 0.

## RECONVENE

The Council reconvened at 12:05 p.m. in the Council Chambers.

Motion--carried

Brewer moved to recess for the Police Memorial Services. Motion carried 5 to 0, (Gray, Skelton, and Williams absent)

## RECONVENE

The Council reconvened at 12:45 p.m. in the Council Chambers.

Motion--

Brewer moved to recess back into Executive Session and to return no later than 1:30 p.m. Motion 5 to 0, (Skelton and Williams absent)

--carried



# CITY COUNCIL PROCEEDINGS

JOURNAL 191

MAY 13, 2008

PAGE 511

**RECONVENED** The Council reconvened at 1:35 p.m. in the Council Chambers.

Motion--carried Brewer moved to extend the Executive Session until 1:45 p.m. Motion carried 7 to 0.

**RECONVENED** The Council reconvened at 2:02 p.m. in the Council Chambers.

Motion--carried Brewer moved to extend the Executive Session until 2:15 p.m. Motion carried 5 to 0, (Fearey, Skelton, Williams absent).

**RECONVENED** The Council reconvened at 2:15 p.m. in the Council Chambers.

Motion--carried Brewer moved to close the Executive Session. Motion carried 4 to 0, (Gray, Fearey, and Skelton absent).

Motion--carried Brewer moved that the regular meeting be adjourned. Motion carried 4 to 0, (Gray, Fearey, and Skelton absent).

**ADJOURNMENT** The meeting was adjourned at 2: 16 p.m.

Respectfully submitted,

Karen Sublett, CMC  
City Clerk

\*\*\*Workshop followed in the first floor board room\*\*\*